

U.S. DISTRICT COURT
U.S. District Court, Western District of New York (Buffalo)
CIVIL DOCKET FOR CASE #: 1:22-cv-00187-LJV-JJM

Moog Inc. v. Skyryse, Inc. et al
Assigned to: Hon. Lawrence J. Vilardo
Referred to: Hon. Jeremiah J. McCarthy
Cause: 18:1836(b) Civil Action to Protect Trade Secrets

Date Filed: 03/07/2022
Jury Demand: Plaintiff
Nature of Suit: 880 Defend Trade Secrets Act (of 2016)
Jurisdiction: Federal Question

Plaintiff

Moog Inc.

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Defendant**Does Nos. 1–50**

Date Filed	#	Docket Text
03/07/2022	<u>1</u>	COMPLAINT against Misook Kim, Robert Alin Pilkington, Skyrise, Inc. \$ 402 receipt number ANYWDC–4519556, filed by Moog Inc.. (Attachments: # <u>1</u> Exhibit A – Copy of Acknowledgments signed by Pilkington and Kim, # <u>2</u> Exhibit B – Employee Handbook, # <u>3</u> Exhibit C – Proprietary Information and Nondisclosure Agreement, # <u>4</u> Exhibit D – 2019 Proprietary Information and Nondisclosure Agreement, # <u>5</u> Exhibit E – Correspondence regarding Statement of Work, # <u>6</u> Exhibit F – Terms & Conditions of Sale, # <u>7</u> Exhibit G – Request for Quote, # <u>8</u> Exhibit H – Moog's Bid in Response to Skyrise's RFQ, # <u>9</u> Exhibit I – Exit Form signed by Kim, # <u>10</u> Civil Cover Sheet)(Fluskey, Robert) (Entered: 03/07/2022)
03/07/2022	<u>2</u>	Original Summons Filed. (Attachments: # <u>1</u> Summons, # <u>2</u> Summons)(Fluskey, Robert) (Entered: 03/07/2022)
03/07/2022	<u>3</u>	NOTICE of Appearance by Rena Andoh on behalf of Moog Inc. (Andoh, Rena) (Entered: 03/07/2022)
03/07/2022	<u>4</u>	MOTION for Preliminary Injunction , MOTION for Temporary Restraining Order by Moog Inc.. (Attachments: # <u>1</u> Memorandum in Support of Plaintiff's Motin for a TRO and Preliminary Injunction, # <u>2</u> Declaration Michael Hunter, # <u>3</u> Exhibit A – Signed Acknowledgments of Moog's Employee Handbook, # <u>4</u> Exhibit B – Moog Employee Handbook, # <u>5</u> Exhibit C – Moog's current IP Policy, # <u>6</u> Exhibit D – Transcription of Moog's Trade Secret training, # <u>7</u> Exhibit E – Internal Moog Log, # <u>8</u> Declaration of Todd Schmidt, # <u>9</u> Declaration of Paul Stoelting, # <u>10</u> Exhibit A – 2018 NDA, # <u>11</u> Exhibit B – 2019 NDA, # <u>12</u> Exhibit C – Statement of Work, # <u>13</u> Exhibit D – Terms and Conditions, # <u>14</u> Exhibit E – Skyrise issued a request for a quote, # <u>15</u> Exhibit F – Moog's bid response to RFQ, # <u>16</u> Declaration of Jorge Lopez, # <u>17</u> Exhibit A – Text message communications with Ms Morisie from November 2021, # <u>18</u> Declaration of Ian Bagnald, # <u>19</u> Exhibit A – File log of external hard drive November 19, 2021, # <u>20</u> Declaration of Jamie Daly, # <u>21</u> Exhibit A – Exit form signed on December 17, 2021 by Ms. Kim, # <u>22</u> Exhibit B – Letter, # <u>23</u> Declaration of William Michael Johnnie, # <u>24</u> Exhibit A – Photos of Western Digital My Passport, # <u>25</u> Exhibit B – Picture of Samsung PSSD T7 SCSI Disk Device, # <u>26</u> Exhibit C – Picture of the separate back cover of Ms. Kim's Moog issued laptop, # <u>27</u> Exhibit D – Annotation of picture in Ex. C, # <u>28</u> Declaration Bruce W. Pixley, # <u>29</u> Exhibit A – Curriculum Vitae, # <u>30</u> Witness List, # <u>31</u> Exhibit List, # <u>32</u> Text of Proposed Order Proposed Order for TRO, # <u>33</u> Text of Proposed Order Proposed Order for Preliminary Injunction)(Fluskey, Robert) (Entered: 03/07/2022)
03/07/2022	<u>5</u>	

		MOTION to Expedite <i>Hearings on TRO and Preliminary Injunction</i> by Moog Inc.. (Attachments: # <u>1</u> Declaration of Robert J. Fluskey, Jr., # <u>2</u> Text of Proposed Order Granting Expedited Hearings on TRO & Preliminary Injunction)(Fluskey, Robert) (Entered: 03/07/2022)
03/07/2022	<u>I 6</u>	MOTION to Expedite <i>Discovery</i> by Moog Inc.. (Attachments: # <u>1</u> Memorandum in Support of Plaintiff's Motion for Expedited Discovery, # <u>2</u> Text of Proposed Order Granting Motion for Expedited Discovery)(Fluskey, Robert) (Entered: 03/07/2022)
03/07/2022	<u>I 7</u>	MOTION to Seal by Moog Inc..(Fluskey, Robert) (Entered: 03/07/2022)
03/07/2022	<u>I</u>	Case assigned to Hon. Lawrence J. Vilardo. Notification to chambers of online civil opening. (LB) (Entered: 03/07/2022)
03/08/2022	<u>I</u>	AUTOMATIC REFERRAL to Mediation The ADR Plan is available for download at http://www.nywd.uscourts.gov/alternative-dispute-resolution .(TMK) (Entered: 03/08/2022)
03/08/2022	<u>I</u>	Notice of Availability of Magistrate Judge: A United States Magistrate of this Court is available to conduct all proceedings in this civil action in accordance with 28 U.S.C. 636c and FRCP 73. The Notice, Consent, and Reference of a Civil Action to a Magistrate Judge form (AO-85) is available for download at http://www.uscourts.gov/services-forms/forms . (TMK) (Entered: 03/08/2022)
03/08/2022	<u>I 8</u>	Summons Issued as to Misook Kim, Robert Alin Pilkington, Skyrise, Inc. (TMK) (Entered: 03/08/2022)
03/08/2022	<u>I 9</u>	NOTICE of Appearance by Melissa Noel Subjeck on behalf of Moog Inc. (Subjeck, Melissa) (Entered: 03/08/2022)
03/08/2022	<u>I 10</u>	NOTICE of Appearance by Pauline Thecla Muto on behalf of Moog Inc. (Muto, Pauline) (Entered: 03/08/2022)
03/08/2022	<u>I 11</u>	MOTION to appear pro hac vice of <i>Travis Anderson</i> (Filing fee \$ 200 receipt number ANYWDC-4520487.) by Moog Inc.. (Attachments: # <u>1</u> Motion for Pro Hac Vice Admission of Travis Anderson, # <u>2</u> Petition for Attorney Admission, # <u>3</u> Attorney's Oath, # <u>4</u> Civility Principles and Guidelines Preamble, # <u>5</u> Sponsoring Affidavit)(Fluskey, Robert) (Entered: 03/08/2022)
03/09/2022	<u>I</u>	E-Filing Notification: <u>11</u> MOTION to appear pro hac vice of <i>Travis Anderson</i> ACTION REQUIRED: File Attorney Database and CM/ECF Registration Form as per Local Rule of Civil Procedure 83.1 (d). Use docketing event: continuation of exhibits. (DDS) (Entered: 03/09/2022)
03/09/2022	<u>I 12</u>	CONTINUATION OF EXHIBITS to E-Filing Notification, <i>Attorney Database & Electronic Case Filing Registration Form</i> . (Fluskey, Robert) (Entered: 03/09/2022)
03/09/2022	<u>I 13</u>	AFFIDAVIT of Service for Summons, Complaint and Supporting Documents served on Misook Kim on March 8, 2022, filed by Moog Inc.. (Subjeck, Melissa) (Entered: 03/09/2022)
03/09/2022	<u>I 14</u>	AFFIDAVIT of Service for Summons, Complaint, and Supporting Documents served on Robert Alin Pilkington on March 8, 2022, filed by Moog Inc.. (Subjeck, Melissa) (Entered: 03/09/2022)
03/09/2022	<u>I 15</u>	AFFIDAVIT of Service for Summons, Complaint, and Supporting Documents served on Jheri Looney for Skyrise, Inc. on March 8, 2022, filed by Moog Inc.. (Subjeck, Melissa) (Entered: 03/09/2022)
03/09/2022	<u>I 16</u>	TEXT ORDER. Status Conference set for 3/9/2022 at 2:00 PM in U.S. Courthouse, 2 Niagara Square, Buffalo, NY 14202-3350 before Hon. Lawrence J. Vilardo. PLEASE NOTE: The proceeding described herein will be held remotely. Dial-in instructions will be emailed directly to the parties. Public access to the proceeding can be obtained by viewing Judge Vilardo's calendar on the public website at www.nywd.uscourts.gov , or by contacting Judge Vilardo's chambers at (716) 551-1621. SO ORDERED. Issued by Hon. Lawrence J. Vilardo on 3/9/2022. (CMD)

		(Entered: 03/09/2022)
03/09/2022	<u>İ 17</u>	MOTION to appear pro hac vice <i>Kazim A. Naqvi</i> (Filing fee \$ 200 receipt number ANYWDC-4522282.) by Moog Inc.. (Attachments: # <u>1</u> Motion for Pro Hac Vice Admission of Kazim A Naqvi, # <u>2</u> Sponsoring Affidavit, # <u>3</u> Admission Petition Form, # <u>4</u> Attorney's Oath, # <u>5</u> Civility Principles and Guidelines Oath, # <u>6</u> Attorney Database and Electronic Case Filing Registration Form)(Fluskey, Robert) (Entered: 03/09/2022)
03/09/2022	<u>İ 18</u>	Minute Entry for proceedings held before Hon. Lawrence J. Vilardo: Status Conference held on 3/9/2022. Court ordered that this proceeding is not to be recorded, or taped in any way. If someone does record it, they will be found in contempt of court. TRO Hearing scheduled for 3/11/2022 at 9:30 AM in U.S. District Court, 2 Niagara Square, Buffalo, NY 14202-3350 before Hon. Lawrence J. Vilardo. PLEASE NOTE: The proceeding described herein will be held remotely. Dial-in instructions will be emailed directly to the parties. Public access to the proceeding can be obtained by viewing Judge Vilardo's calendar on the public website at www.nywd.uscourts.gov, or by contacting Judge Vilardo's chambers at (716) 551-1621. Appearances. For plaintiff: Melissa N. Subjeck, Pauline T. Muto, Rena Andoh, Robert J. Fluskey, Jr., and Travis Anderson. For defendant: No appearance. (Court Reporter Ann M. Sawyer.) (CMD) (Entered: 03/09/2022)
03/10/2022	<u>İ</u>	E-Filing Notification: <u>17</u> MOTION to appear pro hac vice <i>Kazim A. Naqvi</i> ACTION REQUIRED: Submit Attorney Database & Electronic Case Filing Form for the correct attorney. Use docketing event, continuation of exhibits. (DDS) (Entered: 03/10/2022)
03/10/2022	<u>İ 19</u>	CONTINUATION OF EXHIBITS to E-Filing Notification, <i>Attorney Database & Electronic Case Filing Registration Form – Naqvi</i> . (Fluskey, Robert) (Entered: 03/10/2022)
03/10/2022	<u>İ 20</u>	NOTICE of Appearance by Terrance P. Flynn on behalf of Skyrise, Inc. (Flynn, Terrance) (Entered: 03/10/2022)
03/10/2022	<u>İ 21</u>	MOTION to appear pro hac vice <i>for Josh Krevitt</i> (Filing fee \$ 200 receipt number ANYWDC-4523763.) by Skyrise, Inc.. (Attachments: # <u>1</u> Petition for Admission of Josh Krevitt, # <u>2</u> Attorney Oath, # <u>3</u> Civility Principles Oath, # <u>4</u> Attorney Database & CM/ECF Registration Form, # <u>5</u> Sponsor Affidavit of Terrance P. Flynn, # <u>6</u> Proposed Order)(Flynn, Terrance) (Entered: 03/10/2022)
03/10/2022	<u>İ 22</u>	MOTION to appear pro hac vice <i>for Angelique Kaounis</i> (Filing fee \$ 200 receipt number ANYWDC-4523868.) by Skyrise, Inc.. (Attachments: # <u>1</u> Petition for Admission of Angelique Kaounis, # <u>2</u> Attorney Oath, # <u>3</u> Civility Principles Oath, # <u>4</u> Attorney Database & CM/ECF Registration Form, # <u>5</u> Sponsor Affidavit of Terrance P. Flynn, # <u>6</u> Proposed Order)(Flynn, Terrance) (Entered: 03/10/2022)
03/10/2022	<u>İ 23</u>	TEXT ORDER granting <u>11</u> Motion for Pro Hac Vice of Travis Anderson, Esq. SO ORDERED. Issued by Hon. Lawrence J. Vilardo on 3/10/2022.(CMD) -CLERK TO FOLLOW UP- (Entered: 03/11/2022)
03/10/2022	<u>İ 24</u>	TEXT ORDER granting <u>17</u> Motion for Pro Hac Vice of Kazim A. Naqvi, Esq. SO ORDERED. Issued by Hon. Lawrence J. Vilardo on 3/10/2022. (CMD) -CLERK TO FOLLOW UP- (Entered: 03/11/2022)
03/11/2022	<u>İ 25</u>	STIPULATION re <u>4</u> MOTION for Preliminary Injunction MOTION for Temporary Restraining Order <i>and Proposed Order re Production of Information, Data Preservation and Forensic Searches</i> by Moog Inc.. (Fluskey, Robert) (Entered: 03/11/2022)
03/11/2022	<u>İ 26</u>	TEXT ORDER granting <u>21</u> Motion for Pro Hac Vice of Josh Krevitt, Esq. SO ORDERED. Issued by Hon. Lawrence J. Vilardo on 3/11/2022. (CMD)

		-CLERK TO FOLLOW UP- (Entered: 03/11/2022)
03/11/2022	<u>¶ 27</u>	TEXT ORDER granting <u>22</u> Motion for Pro Hac Vice of Angelique Kaounis. SO ORDERED. Issued by Hon. Lawrence J. Vilardo on 3/11/2022. (CMD) -CLERK TO FOLLOW UP- (Entered: 03/11/2022)
03/11/2022	<u>¶ 28</u>	TEXT ORDER: The <u>25</u> Stipulation and Proposed Order is ordered. Oral argument on the plaintiff's Motion for a Preliminary Injunction will be scheduled at a later date. SO ORDERED. Issued by Hon. Lawrence J. Vilardo on 3/11/2022. (Chambers has mailed a copy of this text order to defendants Kim and Pilkington at the addresses listed in Docket Items 2-1 and 2-2.) (WMH) (Entered: 03/11/2022)
03/11/2022	<u>¶ 29</u>	TEXT REFERRAL ORDER – Hon. Jeremiah J. McCarthy, United States Magistrate Judge, is hereby designated to act in this case as follows: Pursuant to 28 U.S.C. § 636(b)(1)(A), all pre-trial matters in this case are referred to the above-named United States Magistrate Judge, including but not limited to: (1) conduct of a scheduling conference and entry of a scheduling order pursuant to Fed. R. Civ. P. 16, (2) hearing and disposition of all non-dispositive motions or applications, (3) supervision of discovery, and (4) supervision of all procedural matters involving the aforementioned or involving the preparation of the case or any matter therein for consideration by the District Judge. The Magistrate Judge shall not hear and report upon dispositive motions for the consideration of the District Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and (C), unless further ordered by this Court. All motions or applications shall be filed with the Clerk and made returnable before the Magistrate Judge. The parties are encouraged to consider the provisions of 28 U.S.C. § 636(c) governing consent to either partial or complete disposition of the case, including trial if necessary, by the Magistrate Judge. Consent forms are available from the office of the Magistrate Judge or the office of the Clerk of Court. IT IS SO ORDERED. Issued by Hon. Lawrence J. Vilardo on 3/11/2022. (CMD) (Entered: 03/11/2022)
03/14/2022	<u>¶</u>	ATTENTION CORPORATION PLAINTIFFS/DEFENDANTS: All Corporate Disclosure Statements pursuant to Fed. R. Civ. P.7.1(b) are to be filed within seven (7) days of this notice. (KM) (Entered: 03/14/2022)
03/15/2022	<u>¶ 30</u>	Corporate Disclosure Statement by Moog Inc.. (Subjeck, Melissa) (Entered: 03/15/2022)
03/16/2022	<u>¶ 31</u>	MOTION to appear pro hac vice <i>for Katherine Dominguez</i> (Filing fee \$ 200 receipt number ANYWDC-4528133.) by Skyryse, Inc.. (Attachments: # <u>1</u> Petition for Admission of Katherine Dominguez, # <u>2</u> Attorney's Oath, # <u>3</u> Civility Principles Oath, # <u>4</u> Attorney Database & ECF Registration Form, # <u>5</u> Sponsor Affidavit of Terrance P. Flynn, # <u>6</u> Proposed Order)(Flynn, Terrance) (Entered: 03/16/2022)
03/17/2022	<u>¶ 32</u>	MOTIONS REFERRED: <u>7</u> MOTION to Seal (WMH) (Entered: 03/17/2022)
03/17/2022	<u>¶ 33</u>	STIPULATION re <u>6</u> MOTION to Expedite <i>Discovery and Proposed Order re Expedited Discovery Procedures and Briefing Schedule for Preliminary Injunction Motion</i> by Moog Inc.. (Muto, Pauline) (Entered: 03/17/2022)
03/17/2022	<u>¶ 34</u>	TEXT ORDER: Defendants having informed my chambers that they have no opposition to plaintiff's motion for leave to file under seal <u>7</u> , and having reviewed the Declaration of Robert Fluskey, Jr. in support of that motion, the motion <u>7</u> is granted. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 3/17/22. (MDY) -CLERK TO FOLLOW UP- (Entered: 03/17/2022)
03/17/2022	<u>¶ 35</u>	TEXT ORDER: The motion of Katherine Dominguez, Esq. for <i>pro hac vice</i> admission <u>31</u> is granted. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 3/17/22. (MDY)

–CLERK TO FOLLOW UP– (Entered: 03/17/2022)

03/18/2022	<u>¶ 36</u>	TEXT ORDER: The parties' Stipulation and Proposed Order <u>33</u> is approved. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 3/18/2022. (EG) (Entered: 03/18/2022)
03/21/2022	<u>¶ 37</u>	Corporate Disclosure Statement by Skyrise, Inc.. (Flynn, Terrance) (Entered: 03/21/2022)
03/23/2022	<u>¶ 38</u>	MOTION to appear pro hac vice of <i>Rory S. Miller</i> (Filing fee \$ 200 receipt number ANYWDC–4534389.) by Misook Kim, Robert Alin Pilkington. (Attachments: # <u>1</u> Affidavit Sponsor Affidavit of Joseph N. Froehlich, # <u>2</u> Petition for Attorney Admission of Rory S. Miller, Esq., # <u>3</u> Attorneys Oath, # <u>4</u> Civility Principles Oath, # <u>5</u> Attorneys Database and ECF Registration Form, # <u>6</u> Text of Proposed Order Proposed Order)(Froehlich, Joseph) (Entered: 03/23/2022)
03/23/2022	<u>¶ 39</u>	MOTION to appear pro hac vice of <i>Mitchell J. Popham</i> (Filing fee \$ 200 receipt number ANYWDC–4534837.) by Misook Kim, Robert Alin Pilkington. (Attachments: # <u>1</u> Affidavit Sponsor Affidavit of Joseph N. Froehlich, Esq., # <u>2</u> Petition for Attorney Admission of Mitchell J. Popham, Esq., # <u>3</u> Attorneys Oath, # <u>4</u> Civility Principles Form, # <u>5</u> Attorneys Database and ECF Registration Form, # <u>6</u> Text of Proposed Order Proposed Order)(Froehlich, Joseph) (Entered: 03/23/2022)
03/23/2022	<u>¶ 40</u>	MOTION to appear pro hac vice for <i>Justine M. Goeke, Esq.</i> (Filing fee \$ 200 receipt number ANYWDC–4535127.) by Skyrise, Inc.. (Attachments: # <u>1</u> Petition for Admission Pro Hac Vice of Justine M. Goeke, # <u>2</u> Attorney Oath, # <u>3</u> Civility Principles Oath, # <u>4</u> Attorney Database & ECF Registration Form, # <u>5</u> Sponsor Affidavit of Terrance P. Flynn, # <u>6</u> Proposed Order)(Flynn, Terrance) (Entered: 03/23/2022)
03/24/2022	<u>¶ 41</u>	TEXT ORDER: The motions of Rory S. Miller, Esq. <u>38</u> , Mitchell J. Popham, Esq. <u>39</u> , and Justine M. Goeke, Esq. <u>40</u> for <i>pro hac vice</i> admission are granted. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 3/24/22. (MDY) –CLERK TO FOLLOW UP– (Entered: 03/24/2022)
03/24/2022	<u>¶ 42</u>	Sealed Document: unredacted Complaint <u>1</u> (Attachments: # <u>1</u> Unredacted Exhibit E [1–5], # <u>2</u> Unredacted Exhibit F [1–6]) (EG) (Entered: 03/24/2022)
03/24/2022	<u>¶ 43</u>	Sealed Document: unredacted TRO Brief [4–1] (Attachments: # <u>1</u> unredacted Hunter Declaration, # <u>2</u> unredacted Hunter Exhibit C, # <u>3</u> unredacted Hunter Exhibit D, # <u>4</u> unredacted Schmidt Declaration, # <u>5</u> unredacted Sotelting Declaration, # <u>6</u> unredacted Sotelting Exhibit C, # <u>7</u> unredacted Sotelting Exhibit D, # <u>8</u> unredacted Lopez Declaration, # <u>9</u> Bagnald Exhibit A [copy on file in chambers]) (EG) (Entered: 03/24/2022)
03/24/2022	<u>¶ 44</u>	Sealed Document: unredacted Memorandum of Law in Support of Motion for Expedited Discovery [6–1] (EG) (Entered: 03/24/2022)
03/28/2022	<u>¶ 45</u>	MOTION to appear pro hac vice of <i>William C. Mullen</i> (Filing fee \$ 200 receipt number ANYWDC–4537726.) by Misook Kim, Robert Alin Pilkington. (Attachments: # <u>1</u> Affidavit Sponsor Affidavit of Joseph N. Froehlich, Esq., # <u>2</u> Petition for Attorney Admission of William Mullen, Esq., # <u>3</u> Attorneys Oath, # <u>4</u> Civility Principles Form, # <u>5</u> Attorneys Database and ECF Registration Form, # <u>6</u> Text of Proposed Order Proposed Order)(Froehlich, Joseph) (Entered: 03/28/2022)
03/29/2022	<u>¶ 46</u>	

		<p>TEXT ORDER: The motion of William C. Mullen, Esq. for <i>pro hac vice</i> admission <u>45</u> is granted. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 3/28/22. (MDY)</p> <p>-CLERK TO FOLLOW UP- (Entered: 03/29/2022)</p>
03/29/2022	<u>I 47</u>	<p>MOTION to Dismiss, MOTION to Change Venue by Misook Kim, Robert Alin Pilkington. Responses due by 4/12/2022. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Declaration Declaration of Misook Kim, # <u>3</u> Declaration Declaration of Robert Alin Pilkington)(Froehlich, Joseph). Added MOTION to Change Venue on 3/30/2022 (JLV). (Entered: 03/29/2022)</p>
03/29/2022	<u>I 48</u>	<p>MOTION to Dismiss for Lack of Jurisdiction, MOTION to Change Venue by Skyrise, Inc.. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Declaration of Katherine Dominguez, Esq., # <u>3</u> Exhibit A – Moog's Form 10-K Annual Report (2021), # <u>4</u> Exhibit B – Moog's Press Release, # <u>5</u> Declaration of Gonzalo Rey)(Flynn, Terrance). Added MOTION to Change Venue on 3/30/2022 (JLV). (Entered: 03/29/2022)</p>
03/29/2022	<u>I 49</u>	<p>MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM by Skyrise, Inc.. (Attachments: # <u>1</u> Memorandum in Support)(Flynn, Terrance) (Entered: 03/29/2022)</p>
03/30/2022	<u>I</u>	<p>E-Filing Notification: <u>47</u> & <u>48</u> MOTIONS; Clerk added additional relief to motions, MOTION to Change Venue to match papers filed. (JLV) (Entered: 03/30/2022)</p>
03/30/2022	<u>I 50</u>	<p>MOTION to appear pro hac vice for <i>Ilissa Samplin, Esq.</i> (Filing fee \$ 200 receipt number ANYWDC-4541682.) by Skyrise, Inc.. (Attachments: # <u>1</u> Petition for Admission of Ilissa Samplin, # <u>2</u> Attorney's Oath, # <u>3</u> Civility Principles Oath, # <u>4</u> Attorney Database & ECF Registration Form, # <u>5</u> Sponsor Affidavit of Terrance P. Flynn, Esq., # <u>6</u> Proposed Order)(Flynn, Terrance) (Entered: 03/30/2022)</p>
03/31/2022	<u>I 51</u>	<p>TEXT ORDER: The motion of Ilissa Samplin, Esq. for <i>pro hac vice</i> admission <u>50</u> is granted. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 3/31/22. (MDY)</p> <p>-CLERK TO FOLLOW UP- (Entered: 03/31/2022)</p>
04/05/2022	<u>I 52</u>	<p>MOTION to appear pro hac vice for <i>Michael M. Polka, Esq.</i> (Filing fee \$ 200 receipt number ANYWDC-4546809.) by Skyrise, Inc.. (Attachments: # <u>1</u> Petition for Admission of Michael M. Polka, Esq., # <u>2</u> Attorney Oath, # <u>3</u> Civility Principles Oath, # <u>4</u> Attorney Database & ECF Registration Form, # <u>5</u> Sponsor Affidavit of Terrance P. Flynn, Esq., # <u>6</u> Proposed Order)(Flynn, Terrance) (Entered: 04/05/2022)</p>
04/06/2022	<u>I 53</u>	<p>TEXT ORDER: The motion of Michael M. Polka, Esq. for <i>pro hac vice</i> admission <u>52</u> is granted. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 4/6/22. (MDY)</p> <p>-CLERK TO FOLLOW UP- (Entered: 04/06/2022)</p>
04/07/2022	<u>I 54</u>	<p>TEXT ORDER: As discussed with counsel, a teleconference to discuss the issues raised in plaintiff's correspondence to the court is set for 4/8/2022 at 3:30 PM before Hon. Jeremiah J. McCarthy. To access the teleconference, the parties shall dial 888-808-6929 and enter access code 1533000# sufficiently in advance of the proceeding. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 4/7/2022. (EG) (Entered: 04/07/2022)</p>
04/08/2022	<u>I 55</u>	<p>MOTION to appear pro hac vice (<i>Lai Yip</i>) (Filing fee \$ 200 receipt number ANYWDC-4550100.) by Moog Inc.. (Attachments: # <u>1</u> Admission Petition Form, # <u>2</u> Admissions Sponsor Affidavit, # <u>3</u> Attorney's Oath, # <u>4</u> Civility Principles and Guidelines Oath, # <u>5</u> Attorney Database and Electronic Case Filing Registration Form)(Fluskey, Robert) (Entered: 04/08/2022)</p>
04/08/2022	<u>I 56</u>	<p>MOTION to appear pro hac vice (<i>Tyler Baker</i>) (Filing fee \$ 200 receipt number ANYWDC-4550276.) by Moog Inc.. (Attachments: # <u>1</u> Admission Petition Form, # <u>2</u> Admissions</p>

		Sponsor Affidavit, # <u>3</u> Attorney's Oath, # <u>4</u> Civility Principles and Guidelines Oath, # <u>5</u> Attorney Database and Electronic Case Filing Registration Form)(Fluskey, Robert) (Entered: 04/08/2022)
04/08/2022	<u>I</u> 57	Minute Entry for proceedings held before Hon. Jeremiah J. McCarthy: Discovery Conference held on 4/8/2022. Counsel for the parties appear by telephone. The court addresses an email submission from the plaintiff and subsequent correspondence regarding discovery and related issues. Plaintiff's counsel reports that the parties have met and conferred and resolved some of the issues raised therein. The remaining issues are discussed. The court directs the parties to meet and confer and submit a joint submission outlining the remaining areas of disagreement. Deadline for such submission discussed and set. APPEARANCES (by phone): Rena Andoh, Lai Yip, Kazim Naqvi, Travis Anderson, Michael Polka, Robert Fluskey, Pauline Muto for plaintiff Moog, Inc.; Josh Krevitt, Terrance Flynn, Ilissa Samplin, Katherine Dominguez, Justine Goeke for defendant Skyryse, Inc.; William Mullen, Rory Miller for defendants Pilkington and Kim (AT&T) (EG) (Entered: 04/08/2022)
04/08/2022	<u>I</u> 58	TEXT ORDER: In accordance with today's conference, the parties shall continue to confer in an effort to resolve the issues in dispute. If disputes remain that may benefit from a further court conference, by April 19, 2022 the parties shall file a joint letter identifying those issues and providing the parties' respective positions. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 4/8/22. (MDY) (Entered: 04/08/2022)
04/11/2022	<u>I</u>	E-Filing Notification: <u>56</u> MOTION to appear pro hac vice (<i>Tyler Baker</i>) Resubmit Sponsoring Affidavit with correct sponsoring attorney's name and information. Use docketing event / continuation of exhibits. (DDS) (Entered: 04/11/2022)
04/12/2022	<u>I</u> 59	TEXT ORDER: The motion of Lai Yip, Esq. for <i>pro hac vice</i> admission <u>55</u> is granted. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 4/12/22. (MDY) -CLERK TO FOLLOW UP- (Entered: 04/12/2022)
04/12/2022	<u>I</u> <u>60</u>	CONTINUATION OF EXHIBITS by Moog Inc.. to <u>56</u> MOTION to appear pro hac vice (<i>Tyler Baker</i>) (Filing fee \$ 200 receipt number ANYWDC-4550276.) <i>Corrected Sponsoring Affidavit</i> filed by Moog Inc.. (Fluskey, Robert) (Entered: 04/12/2022)
04/12/2022	<u>I</u> <u>61</u>	MEMORANDUM in Opposition re <u>49</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by Moog Inc.. (Attachments: # <u>1</u> Declaration of Rena Andoh, # <u>2</u> Exhibit A – April 7, 2022 letter submission to Judge McCarthy)(Fluskey, Robert) (Entered: 04/12/2022)
04/12/2022	<u>I</u> <u>62</u>	MEMORANDUM in Opposition re <u>48</u> MOTION to Dismiss for Lack of Jurisdiction <i>or, Alternatively, to Transfer Venue</i> MOTION to Change Venue filed by Moog Inc.. (Attachments: # <u>1</u> Declaration of Paul Stoelting, # <u>2</u> Declaration of Todd Schmidt, # <u>3</u> Exhibit A – text communications with Mr. Rey between October 13 and 22, 2021, # <u>4</u> Declaration of Rena Andoh, # <u>5</u> Exhibit A – April 7, 2022 letter submission to Judge McCarthy)(Fluskey, Robert) (Entered: 04/12/2022)
04/12/2022	<u>I</u> <u>63</u>	MEMORANDUM in Opposition re <u>47</u> MOTION to Dismiss MOTION to Change Venue filed by Moog Inc.. (Attachments: # <u>1</u> Declaration of Michael Hunter, # <u>2</u> Declaration of Rena Andoh, # <u>3</u> Exhibit A – April 7, 2022 letter submission to Judge McCarthy)(Fluskey, Robert) (Entered: 04/12/2022)
04/12/2022	<u>I</u> <u>64</u>	AMENDED DOCUMENT by Moog Inc.. Amendment to <u>61</u> Memorandum in Opposition to Motion, <i>Corrected Memorandum of Law</i> . (Fluskey, Robert) (Entered: 04/12/2022)
04/13/2022	<u>I</u> 65	TEXT ORDER: The motion of Tyler Baker, Esq. for <i>pro hac vice</i> admission <u>56</u> , as supplemented <u>60</u> , is granted. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 4/13/22. (MDY)

–CLERK TO FOLLOW UP– (Entered: 04/13/2022)

04/13/2022	<u>¶ 66</u>	MOTION for Extension of Time to File -- <i>Letter Motion for Extension of Time to File Reply Briefs in Support of Motions to Dismiss</i> by Skyrise, Inc..(Dominguez, Katherine) (Entered: 04/13/2022)
04/14/2022	<u>¶ 67</u>	TEXT ORDER granting <u>66</u> Motion for Extension of Time. The time for defendant Skyrise, Inc., to reply in further support of its motions to dismiss is extended until 4/22/2022. SO ORDERED. Issued by Hon. Lawrence J. Vilardo on 4/14/2022. (WMH) (Entered: 04/14/2022)
04/14/2022	<u>¶ 68</u>	NOTICE of Appearance by Reetuparna Dutta on behalf of Moog Inc. (Dutta, Reetuparna) (Entered: 04/14/2022)
04/14/2022	<u>¶ 69</u>	MOTION for Extension of Time to File Response/Reply <i>Letter Motion For Extension Of Time To File Reply Briefs In Support Of Motions To Dismiss By Alin Pilkington and Misook Kim</i> by Misook Kim, Robert Alin Pilkington.(Mullen, William) (Entered: 04/14/2022)
04/15/2022	<u>¶ 70</u>	TEXT ORDER granting <u>69</u> Motion for Extension of Time. The time for defendants Pilkington and Kim to reply in further support of their motion to dismiss is extended until 4/22/2022. SO ORDERED. Issued by Hon. Lawrence J. Vilardo on 4/15/2022. (WMH) (Entered: 04/15/2022)
04/15/2022	<u>¶ 71</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Telephonic Conference held on April 8, 2022, before Judge Jeremiah J. McCarthy. Transcriber Diane S. Martens, dimartens55@gmail.com. Transcript may be viewed at the court public terminal or purchased through the Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 5/6/2022. Redacted Transcript Deadline set for 5/16/2022. Release of Transcript Restriction set for 7/14/2022. (DSM) (Entered: 04/15/2022)
04/18/2022	<u>¶ 72</u>	TEXT ORDER: At the oral request of counsel for plaintiff and defendant Skyrise, Inc., the April 8, 2022 Text Order 58 is amended to permit the parties to submit individual letters, rather than a joint letter. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 4/18/22. (MDY) (Entered: 04/18/2022)
04/19/2022	<u>¶ 73</u>	Letter filed by Misook Kim, Robert Alin Pilkington as to Does Nos. 1–50, Misook Kim, Robert Alin Pilkington, Skyrise, Inc. . (Miller, Rory) (Entered: 04/19/2022)
04/19/2022	<u>¶ 74</u>	Letter filed by Moog Inc. as to Does Nos. 1–50, Misook Kim, Robert Alin Pilkington, Skyrise, Inc. . (Attachments: # <u>1</u> Exhibit A – Addendum to Protective Order, # <u>2</u> Exhibit B – Forensic Protocol Order, # <u>3</u> Exhibit C – April 15, 2022 letter, # <u>4</u> Exhibit D – Filed Under Seal, # <u>5</u> Exhibit E – iDS Information, # <u>6</u> Exhibit F – Discovery Responses, # <u>7</u> Exhibit G – Redline of Protective Order, # <u>8</u> Exhibit H – Sunlight Protective Order)(Andoh, Rena) (Entered: 04/19/2022)
04/19/2022	<u>¶ 75</u>	MOTION to Seal by Moog Inc..(Andoh, Rena) (Entered: 04/19/2022)
04/19/2022	<u>¶ 76</u>	Letter filed by Skyrise, Inc. as to Does Nos. 1–50, Misook Kim, Robert Alin Pilkington, Skyrise, Inc. <i>re remaining issues in dispute</i> . (Attachments: # <u>1</u> Exhibit 1 – Forensic Protocol, # <u>2</u> Exhibit 2 – Forensic Protocol, # <u>3</u> Exhibit 3 – Letter, # <u>4</u> Exhibit 4 – Letter, # <u>5</u> Exhibit 5 – Email, # <u>6</u> Exhibit 6 – Email, # <u>7</u> Exhibit 7 – Letter, # <u>8</u> Exhibit 8 – Protective Order, # <u>9</u> Exhibit 9 – Protective Order Edits)(Dominguez, Katherine) (Entered: 04/19/2022)
04/22/2022	<u>¶ 77</u>	REPLY to Response to Motion re <u>47</u> MOTION to Dismiss MOTION to Change Venue filed by Misook Kim, Robert Alin Pilkington. (Miller, Rory) (Entered: 04/22/2022)
04/22/2022	<u>¶ 78</u>	REPLY to Response to Motion re <u>48</u> MOTION to Dismiss for Lack of Jurisdiction <i>or, Alternatively, to Transfer Venue</i> MOTION to Change Venue filed by Skyrise, Inc.. (Dominguez, Katherine) (Entered: 04/22/2022)

04/25/2022	<u>¶ 79</u>	NOTICE by Skyryse, Inc. re <u>49</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM / <i>DEFENDANT SKYRYSE'S NOTICE OF WITHDRAWAL OF ITS CONTINGENT MOTION TO DISMISS COUNTS I, II, V, VI, IX, AND X OF PLAINTIFF'S COMPLAINT PURSUANT TO FED. R. CIV. P. 12(b)(6)</i> (Dominguez, Katherine) (Entered: 04/25/2022)
04/26/2022	<u>¶ 80</u>	TEXT ORDER: A telephonic conference concerning the issues raised in Skyryse's April 25, 2022 letter is set for today at 4:00 p.m. EDT. To access the teleconference, the parties shall dial 888-808-6929 and enter access code 1533000#. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 4/26/22. (MDY) (Entered: 04/26/2022)
04/26/2022	<u>¶ 81</u>	TEXT ORDER: Today's telephonic conference 80 has been converted to a Zoom proceeding. Instructions will be circulated to counsel. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 4/26/22. (MDY) (Entered: 04/26/2022)
04/26/2022	<u>¶ 82</u>	Minute Entry for proceedings held before Hon. Jeremiah J. McCarthy: SEALED discovery conference held on 4/26/2022. The parties appear by video to discuss confidential issue raised by defendant Skyryse in a letter dated April 25, 2022. The parties discuss their initial positions as to the issue. A further conference set with a deadline to update the court as to the development of the issues discussed. Text order to follow. APPEARANCES (by video): Rena Andoh, Lai Yip, Kazim Naqvi, Travis Anderson, Robert Fluskey, for plaintiff Moog, Inc.; Josh Krevitt, Terrance Flynn, Katherine Dominguez, Justine Goeke for defendant Skyryse, Inc.; Rory Miller for defendants Pilkington and Kim (Zoom for Government) (EG) (Entered: 04/26/2022)
04/27/2022	<u>¶ 83</u>	TEXT ORDER: As discussed during yesterday's proceeding, a further Status Conference regarding the issues raised in defendant Skyryse's April 25th letter is set for May 5, 2022 at 4:00 PM before Hon. Jeremiah J. McCarthy, to be held by Zoom for Government. By close of business on May 4, 2022, the parties shall, jointly or individually, submit a letter to the court providing an update as to the status of the issue and any change to their respective positions on its effect on pending matters. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 4/27/2022. (EG) (Entered: 04/27/2022)
05/04/2022	<u>¶ 84</u>	NOTICE of Appearance by Gabriel S. Gross on behalf of Skyryse, Inc. (Gross, Gabriel) (Entered: 05/04/2022)
05/05/2022	<u>¶ 85</u>	MOTION to appear pro hac vice <i>of Douglas E. Lumish</i> (Filing fee \$ 200 receipt number ANYWDC-4571327.) by Skyryse, Inc.. (Attachments: # <u>1</u> Douglas E. Lumish's Admission Petition Form, # <u>2</u> Douglas E. Lumish's Admission Sponsor Affidavit, # <u>3</u> Douglas E. Lumish's Attorney's Oath, # <u>4</u> Douglas E. Lumish's Civility Principles Oath, # <u>5</u> Douglas E. Lumish's CM/ECF Registration Form)(Gross, Gabriel) (Entered: 05/05/2022)
05/05/2022	<u>¶ 86</u>	MOTION to appear pro hac vice <i>of Joseph H. Lee</i> (Filing fee \$ 200 receipt number ANYWDC-4571404.) by Skyryse, Inc.. (Attachments: # <u>1</u> Joseph H. Lee's Admission Petition Form, # <u>2</u> Joseph H. Lee's Admission Sponsor Affidavit, # <u>3</u> Joseph H. Lee's Attorney's Oath, # <u>4</u> Joseph H. Lee's Civility Principles Oath, # <u>5</u> Joseph H. Lee's CM/ECF Registration Form)(Gross, Gabriel) (Entered: 05/05/2022)
05/05/2022	<u>¶ 88</u>	Minute Entry for proceedings held before Hon. Jeremiah J. McCarthy: SEALED Discovery Conference held on 5/5/2022. The parties appear by video. The parties discuss the need to continue to seal proceedings. The court may review and unseal as appropriate. The parties address Skyryse's change of counsel and related issues. The parties discuss preliminary discovery schedule and related issues. The parties discuss proposed provisional protective order. After discussion, the court will grant PO on a provisional basis with the parties reserving all rights. The parties discuss practicality of continued informal discovery proceedings in such a case. The parties discuss positions on inspection protocols. The court will grant brief opportunity to file motions on the

issue so it can be decided on the merits. Refer to Text Order 87 . The court encourages the parties to continue to try and work together on remaining issues.

APPEARANCES (by video): Rena Andoh, Lai Yip, Kazim Naqvi, Travis Anderson, Robert Fluskey for plaintiff Moog, Inc.; Terrance Flynn, Katherine Dominguez, Justine Goeke, Douglas Lumish, Gabriel Gross for defendant Skyrise, Inc.; Rory Miller (by phone) for defendants Pilkington and Kim (EG) (Entered: 05/06/2022)

05/06/2022	<u>¶ 87</u>	TEXT ORDER: In accordance with yesterday's Zoom conference, Moog's proposed Protective Order will be provisionally implemented, without prejudice to the parties' right to seek its modification. By May 11, 2022 the parties shall file motions to adopt their proposed forensics protocols, which may incorporate portions of their prior informal letter submissions that will be made part of the record. Thereafter, the motions will be taken under advisement without further oral argument. For any future discovery disputes that require prompt attention or are otherwise not amenable to informal resolution, the parties may bypass the informal discovery process and proceed by motion. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 5/6/22. (MDY) (Entered: 05/06/2022)
05/06/2022	<u>¶ 89</u>	PROTECTIVE ORDER. Signed by Hon. Jeremiah J. McCarthy on 5/6/2022. (JD) (Entered: 05/06/2022)
05/06/2022	<u>¶ 90</u>	TEXT ORDER: The motions of Douglas E. Lumish, Esq. and Joseph H. Lee, Esq. for <i>pro hac vice</i> admission [85, 86] are granted. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 5/6/22. (MDY) —CLERK TO FOLLOW UP— (Entered: 05/06/2022)
05/09/2022	<u>¶ 91</u>	TEXT ORDER. Status Conference set for 5/10/2022 at 1:00 PM in U.S. Courthouse, 2 Niagara Square, Buffalo, NY 14202–3350 before Hon. Lawrence J. Vilardo. SO ORDERED. Issued by Hon. Lawrence J. Vilardo on 5/9/2022. (CMD) (Entered: 05/09/2022)
05/09/2022	<u>¶ 92</u>	PLEASE NOTE: The proceeding described herein will be held remotely on 5/10/2022 at 1:00PM. Dial-in instructions will be emailed directly to the parties. Public access to the proceeding can be obtained by viewing Judge Vilardo's calendar on the public website at www.nywd.uscourts.gov , or by contacting Judge Vilardo's chambers at (716) 551–1621. (CMD) (Entered: 05/09/2022)
05/10/2022	<u>¶ 93</u>	NOTICE of Appearance by Alexander Asher Truitt on behalf of Misook Kim, Robert Alin Pilkington (Truitt, Alexander) (Entered: 05/10/2022)
05/10/2022	<u>¶ 94</u>	MOTION to appear <i>pro hac vice</i> for <i>Anthony D. Green</i> (Filing fee \$ 200 receipt number ANYWDC–4574505.) by Misook Kim, Robert Alin Pilkington. (Attachments: # <u>1</u> Memorandum in Support Memorandum In Support, # <u>2</u> Affidavit Sponsoring Affidavit, # <u>3</u> Exhibit Petitioner's Oath, # <u>4</u> Affidavit Petitioner's Affidavit, # <u>5</u> Exhibit Combined Registration Form, # <u>6</u> Exhibit Civility Principles Oath, # <u>7</u> Text of Proposed Order Proposed Order)(Truitt, Alexander) (Entered: 05/10/2022)
05/10/2022	<u>¶ 101</u>	Minute Entry for proceedings held before Hon. Lawrence J. Vilardo: Status Conference held on 5/10/2022. Court ordered that this proceeding is not to be recorded, or taped in any way. If someone does record it, they will be found in contempt of court. Court addressed status of outstanding motions, and set briefing schedule: defendant Skyrise may file an amended brief in support of its motion to dismiss or change venue by 5/20/2022. Plaintiff's response/sur-reply due by 6/3/2022. Attorney Green will advise parties whether or not individual defendants intend to pursue the 12(b)(6) motion by 5/16/2022. Court directed motions relating to alleged violation of the Stipulated Order and any revisions to the 12(b)(6) brief be made to Magistrate Judge McCarthy. Attorney Andoh requested a revised schedule for the preliminary injunction hearing for the week of October 17, 2022, and estimated hearing may last 2–3 days. Court will review

		calendar, and schedule a date. Court will expect submissions from the parties closer to the date of the hearing. Appearances by ZOOM Video Conference. For plaintiffs: Rena Andoh, Kazim Naqvi, Lai Yip, Reetuparna Dutta, Travis Anderson, Tyler Baker, and Robert Fluskey, Jr. For defendant Skyrise: Douglas Lumish, Gabriel Gross, Joseph Lee, Justine Goeke, Katherine Dominguez, and Terrance Flynn. For defendants Pilkington and Kim: Anthony Green, Alexander Truitt, and Rory Miller. (Court Reporter Ann M. Sawyer.) (CMD) Modified to change filed date on 5/12/2022 (CMD). (Entered: 05/12/2022)
05/11/2022	<u>¶ 95</u>	TRANSCRIPT of Telephonic Conference held on April 26, 2022, before Judge Jeremiah J. McCarthy (JLV) Modified on 5/17/2022 to include description (EG). Modified on 6/29/2022 to unseal (EG). (Entered: 05/11/2022)
05/11/2022	<u>¶ 96</u>	MOTION Adoption and Entry of Proposed Inspection Protocol by Moog Inc.. (Attachments: # <u>1</u> Declaration of Rena Andoh, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E, # <u>7</u> Exhibit F, # <u>8</u> Exhibit G, # <u>9</u> Exhibit H, # <u>10</u> Exhibit I, # <u>11</u> Exhibit J, # <u>12</u> Exhibit K, # <u>13</u> Memorandum in Support of Plaintiff's Motion for Adoption and Entry of Proposed Inspection Protocol)(Andoh, Rena) (Entered: 05/11/2022)
05/11/2022	<u>¶ 97</u>	MOTION to Seal by Moog Inc..(Andoh, Rena) (Entered: 05/11/2022)
05/11/2022	<u>¶ 98</u>	TEXT ORDER: The motion of Anthony D. Green, Esq. for <i>pro hac vice</i> admission <u>94</u> is granted. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 5/11/22. (MDY) —CLERK TO FOLLOW UP— (Entered: 05/11/2022)
05/11/2022	<u>¶ 99</u>	MOTION for an Order Adopting Forensic Protocol by Skyrise, Inc.. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit A – Proposed Forensic Protocol)(Gross, Gabriel) (Entered: 05/11/2022)
05/12/2022	<u>¶ 100</u>	MOTION to appear pro hac vice of <i>Kelley M. Storey</i> (Filing fee \$ 200 receipt number ANYWDC-4576336.) by Skyrise, Inc.. (Attachments: # <u>1</u> Kelley M. Storey's Admission Petition Form, # <u>2</u> Kelley M. Storey's Admission Sponsor Affidavit, # <u>3</u> Kelley M. Storey's Attorney's Oath, # <u>4</u> Kelley M. Storey's Civility and Principles Oath, # <u>5</u> Kelley M. Storey's CM/ECF Registration Form)(Gross, Gabriel) (Entered: 05/12/2022)
05/12/2022	<u>¶ 102</u>	TEXT ORDER: Plaintiff's Motion to Seal <u>97</u> is granted. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 5/12/2022. (EG) (Entered: 05/12/2022)
05/12/2022	<u>¶ 103</u>	Sealed Document: Declaration of Melissa Subjeck in support of motion to seal <u>97</u> . (EG) (Entered: 05/12/2022)
05/12/2022	<u>¶ 104</u>	TRANSCRIPT of Telephonic Conference held on May 5, 2022, before Judge Jeremiah J. McCarthy (JLV) Modified on 5/17/2022 to include description (EG). Modified on 6/29/2022 to unseal (EG). (Entered: 05/12/2022)
05/13/2022	<u>¶ 105</u>	Unredacted Memorandum of Law in Support of Plaintiff's Motion for Adoption and Entry of Proposed Inspection Protocol [96–13] (EG) Unsealed on 6/29/2022 (EG). (Entered: 05/13/2022)
05/13/2022	<u>¶ 106</u>	Sealed Document: Exhibit H to the Declaration of Rena Andoh in Support of Plaintiff's Motion for Adoption and Entry of Proposed Inspection Protocol [96–9] (EG) (Entered: 05/13/2022)
05/13/2022	<u>¶ 107</u>	STIPULATION and Proposed Order for Substitution of Counsel (Krevitt, Josh) Modified on 5/13/2022 (CGJ). (Entered: 05/13/2022)
05/13/2022	<u>¶</u>	E–Filing Notification: re <u>107</u> docket text modified to show as Stipulation. (CGJ) (Entered: 05/13/2022)
05/13/2022	<u>¶ 108</u>	

		TEXT ORDER: The parties' stipulation <u>107</u> regarding substitution of counsel for defendant Skyrise, Inc. is approved and hereby SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 5/13/2022. (EG) (Entered: 05/13/2022)
05/13/2022	<u>109</u>	Decision and Order re MOTIONS by plaintiff Moog Inc. and defendant Skyrise, Inc. for adoption of their proposed Inspection Protocols [96, 99] (EG) Unsealed on 6/29/2022 (EG). (Entered: 05/13/2022)
05/13/2022	<u>I</u>	Set Hearings: As set forward in the Decision and Order <u>109</u> , a video conference to discuss further proceedings set for 5/17/2022 at 2:00 PM before Hon. Jeremiah J. McCarthy. Zoom information to be sent. (EG) (Entered: 05/13/2022)
05/13/2022	<u>110</u>	STIPULATION <i>and Proposed Order re Substitution of Counsel</i> by Misook Kim, Robert Alin Pilkington. (Truitt, Alexander) (Entered: 05/13/2022)
05/16/2022	<u>111</u>	TEXT ORDER: The motion of Kelley M. Storey, Esq. for <i>pro hac vice</i> admission <u>100</u> is granted. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 5/16/22. (MDY) -CLERK TO FOLLOW UP- (Entered: 05/16/2022)
05/16/2022	<u>I</u>	Motions terminated: <u>99</u> MOTION for an Order Adopting Forensic Protocol filed by Skyrise, Inc., <u>96</u> MOTION Adoption and Entry of Proposed Inspection Protocol filed by Moog Inc. (MDY) (Entered: 05/16/2022)
05/16/2022	<u>112</u>	TEXT ORDER: The parties' stipulation <u>110</u> regarding substitution of counsel for Misook Kim and Robert Alin Pilkington is approved and hereby SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 5/16/22. (MDY) -CLERK TO FOLLOW UP- (Entered: 05/16/2022)
05/16/2022	<u>113</u>	Letter filed by Misook Kim, Robert Alin Pilkington as to Does Nos. 1-50, Misook Kim, Robert Alin Pilkington, Skyrise, Inc. <i>Concerning Dkt. No. 101</i> . (Truitt, Alexander) (Entered: 05/16/2022)
05/17/2022	<u>114</u>	TEXT ORDER re: <u>113</u> Letter filed by defendants Kim and Pilkington. Defendants Kim and Pilkington may file a supplemental brief in support of their motion to dismiss by 5/30/2022. Moog may file an opposition brief by 6/13/2022. SO ORDERED. Issued by Hon. Lawrence J. Vilardo on 5/17/2022. (WMH) (Entered: 05/17/2022)
05/17/2022	<u>115</u>	Minute Entry for proceedings held before Hon. Jeremiah J. McCarthy: Status Conference held on 5/17/2022. Counsel for the parties appear by video. The court indicates that this appearance will not be sealed and that it did not see anything requiring sealing in the previous appearances. The parties discuss other sealed documents and proceedings. The court gives the parties seven days to identify any proceedings or documents that should be unsealed or remain sealed. The court states that it would like to hold monthly conferences in this case to keep and handle on things, but encourages the parties to raise issues as they arise. The parties agree. The court indicates that it will handle any motion for sanctions. Moog indicates that it believe it is premature to set deadlines for such motion but may file a motion to compel, pending receipt of discovery. The court reminds the parties that 12(b)(6) and related motions are before District Judge Vilardo. The parties indicate that they are discussing stipulation regarding discovery deadlines, but have some areas of disagreement including whether the discovery should be "substantially" complete by cutoff. The court notes positions and asks the parties to submit a redline version identifying issues of contention and the parties positions. The parties are directed to confer and hammer out agreement to the extent possible. Deadline for submissions set. Follow-up conference date set. Pre-conference submissions deadline set. Text Order to follow.

		APPEARANCES (by video): Rena Andoh, Kazim Naqvi, Lai Yip, and Robert Fluskey for plaintiff; Terry Flynn, Douglas Lumish, Gabriel Gross, Kelley Storey for defendant Skyrise; Anthony Green, Alexander Truitt (by phone) For defendants Pilkington and Kim (Zoom for Government) (EG) (Entered: 05/17/2022)
05/17/2022	<u>116</u>	TEXT ORDER: In accordance with today's Zoom proceeding, the parties shall continue to confer in an effort to narrow their scheduling disputes, and by May 23, 2022 at 5:00 p.m. E.D.T. may file motions (by letter or otherwise) addressing the areas of disagreement. By May 24, 2022 the parties shall jointly or individually identify any currently sealed materials, as well as the materials Moog seeks to seal in its April 19, 2022 motion <u>75</u> , that they propose remain sealed (in whole or in part), including proposed redacted versions to be publicly filed. Going forward, in the absence of any objection, requests to file a document or maintain a proceeding under seal will be provisionally granted. However, within seven days of the filing of the sealed document or transcript, the parties shall confer and jointly or individually submit a proposed redacted version to be filed, failing which it will be automatically unsealed. Monthly status conferences will be scheduled to informally address any pending discovery disputes. However, for any discovery disputes that require prompt attention or are otherwise not amenable to informal resolution, the parties may bypass the informal discovery process and proceed by motion. The first discovery conference is scheduled for June 16, 2022 at 4:00 p.m. E.D.T. Zoom instructions will be circulated in advance. By June 13, 2022, the parties shall e-mail me (mccarthy@nywd.uscourts.gov) their letter submissions briefly identifying the issues sought to be addressed at the June 16, 2022 conference. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 5/17/22. (MDY) (Entered: 05/17/2022)
05/20/2022	<u>117</u>	MEMORANDUM in Support re <u>48</u> MOTION to Dismiss for Lack of Jurisdiction <i>or, Alternatively, to Transfer Venue</i> MOTION to Change Venue -- <i>Amended Memorandum of Law submitted pursuant to the Court's May 10, 2022 Order</i> filed by Skyrise, Inc.. (Attachments: # <u>1</u> Exhibit A – Redlined Version)(Gross, Gabriel) (Entered: 05/20/2022)
05/23/2022	<u>118</u>	MOTION Scheduling Orders re 116 Text Order,,,,,, Set Hearings,,,,, by Moog Inc.. (Attachments: # <u>1</u> Declaration of Rena Andoh, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E, # <u>7</u> Exhibit F, # <u>8</u> Exhibit G, # <u>9</u> Exhibit H, # <u>10</u> Exhibit I, # <u>11</u> Exhibit J, # <u>12</u> Memorandum in Support of Plaintiff's Motion for Scheduling Orders)(Andoh, Rena) (Entered: 05/23/2022)
05/23/2022	<u>119</u>	MOTION to Seal by Moog Inc..(Andoh, Rena) (Entered: 05/23/2022)
05/23/2022	<u>120</u>	REPLY/RESPONSE to re 115 Status Conference,,,,,, -- <i>Submission by Defendant Skyrise pursuant to the Court's instruction</i> filed by Skyrise, Inc.. (Attachments: # <u>1</u> Exhibit A – Redline)(Gross, Gabriel) (Entered: 05/23/2022)
05/23/2022	<u>121</u>	Letter filed by Misook Kim, Robert Alin Pilkington as to Does Nos. 1–50, Misook Kim, Robert Alin Pilkington, Skyrise, Inc. <i>re Dkt. No. 116</i> . (Truitt, Alexander) (Entered: 05/23/2022)
05/24/2022	<u>122</u>	Sealed Document: Declaration of Melissa N. Subjeck in support of Motion to Seal <u>119</u> (EG) (Entered: 05/24/2022)
05/24/2022	<u>123</u>	TEXT ORDER: Plaintiff's Motion to Seal <u>119</u> the unredacted Memorandum of Law in support of its Motion for Scheduling Orders and Exhibit E to that motion are granted. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 5/24/2022. (EG) (Entered: 05/24/2022)
05/24/2022	<u>124</u>	Sealed Document: Andoh Declaration Exhibit E [118–6] (EG) (Entered: 05/24/2022)
05/24/2022	<u>125</u>	Unredacted Memorandum of Law in Support of Moog's Motion for Scheduling Orders [118–12] (EG) Unsealed on 6/29/2022 (EG). (Entered: 05/24/2022)
05/24/2022	<u>126</u>	

		Letter filed by Moog Inc. as to Does Nos. 1–50, Misook Kim, Robert Alin Pilkington, Skyrise, Inc. <i>Regarding Sealed Material</i> . (Fluskey, Robert) (Entered: 05/24/2022)
05/25/2022	127	TEXT ORDER: Responses to Moog's motion <u>118</u> shall be filed by May 27, 2022. The motion will then be decided on the papers. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 5/25/22. (MDY) (Entered: 05/25/2022)
05/27/2022	128	MEMORANDUM in Opposition re <u>118</u> MOTION Scheduling Orders re 116 Text Order,,,,,, Set Hearings,,,,, filed by Skyrise, Inc.. (Attachments: # <u>1</u> Exhibit A – Skyrise's Proposed Expedited Discovery Scheduling Order)(Gross, Gabriel) (Entered: 05/27/2022)
05/31/2022	129	MOTION to appear pro hac vice of <i>Cassandra M. Baloga</i> (Filing fee \$ 200 receipt number ANYWDC–4591274.) by Skyrise, Inc.. (Attachments: # <u>1</u> Cassandra M. Baloga's Admission Petition Form, # <u>2</u> Cassandra M. Baloga's Admission Sponsor Affidavit, # <u>3</u> Cassandra M. Baloga's Attorney's Oath, # <u>4</u> Cassandra M. Baloga's Civility Principles Oath, # <u>5</u> Cassandra M. Baloga's CM/ECF Registration Form)(Gross, Gabriel) (Entered: 05/31/2022)
05/31/2022	130	TEXT ORDER: As discussed with counsel, Oral Argument on Moog's Motion for Scheduling Order <u>118</u> is set for June 1, 2022 at 4:00 PM before Hon. Jeremiah J. McCarthy. Argument will be held by Zoom for Government. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 5/31/2022. (EG) (Entered: 05/31/2022)
05/31/2022	131	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM re <i>Counts 6, 9, and 10</i> by Misook Kim, Robert Alin Pilkington. (Attachments: # <u>1</u> Memorandum in Support Memorandum of Law)(Truitt, Alexander) (Entered: 05/31/2022)
06/01/2022	135	Minute Entry for proceedings held before Hon. Jeremiah J. McCarthy: Oral Argument held on 6/1/2022. Counsel for the parties appear by video. The parties discuss their positions re Moog's Motion for Scheduling Order <u>118</u> and various discovery issues. The parties reached agreement on certain issues. The parties to confer and submit stipulation for the court's approval. Parties encouraged to order transcript. Next conference remains set for June 16, 2022 at 4:00 p.m. EDT by Zoom for government. APPEARANCES (by video): Rena Andoh, Kazim Naqvi, Lai Yip, Pauline Muto, and Robert Fluskey for plaintiff; Terry Flynn, Douglas Lumish, Gabriel Gross (by audio), Kelley Storey for defendant Skyrise; Alexander Truitt (by audio) for defendants Pilkington and Kim (Zoom for Government) (EG) (Entered: 06/03/2022)
06/02/2022	132	TEXT ORDER: The motion of Cassandra M Baloga, Esq. for <i>pro hac vice</i> admission <u>129</u> is granted. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 6/2/22. (MDY) –CLERK TO FOLLOW UP– (Entered: 06/02/2022)
06/03/2022	133	REPLY/RESPONSE to re <u>62</u> Memorandum in Opposition to Motion, <i>Memorandum of Law in Further Opposition to Skyrise's Motion to Dismiss Or, Alternatively, to Transfer Venue</i> filed by Moog Inc.. (Fluskey, Robert) (Entered: 06/03/2022)
06/03/2022	134	MOTION to Seal by Moog Inc..(Fluskey, Robert) (Entered: 06/03/2022)
06/03/2022	136	Sealed Document: Declaration of Robert Fluskey in Support of Motion to Seal (EG) (Entered: 06/03/2022)
06/07/2022	137	STIPULATION re <u>33</u> Stipulation <i>STIPULATION AND PROPOSED ORDER RE EXPEDITED DISCOVERY BRIEFING SCHEDULE FOR PRELIMINARY INJUNCTION MOTION</i> by Moog Inc.. (Andoh, Rena) (Entered: 06/07/2022)
06/07/2022	138	

		TEXT ORDER: The Parties' Stipulation and Proposed Order <u>137</u> is approved. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 6/7/2022. (EG) (Entered: 06/07/2022)
06/07/2022	<u>139</u>	TEXT ORDER GRANTING <u>134</u> MOTION to Seal filed by Moog Inc. SO ORDERED. Issued by Hon. Lawrence J. Vilardo on 6/7/2022. (CMD) (Entered: 06/07/2022)
06/07/2022	<u>140</u>	Unredacted Memorandum of Law in Further Opposition to Skyrise's Motion to Dismiss or, Alternatively, to Transfer Venue filed by Moog, Inc. (CMD) Unsealed on 6/29/2022 (EG). (Entered: 06/07/2022)
06/07/2022	<u>141</u>	MOTION to appear pro hac vice of <i>Ryan T. Banks</i> (Filing fee \$ 200 receipt number ANYWDC-4597949.) by Skyrise, Inc.. (Attachments: # <u>1</u> Ryan T. Banks' Admission Petition Form, # <u>2</u> Ryan T. Banks' Admission Sponsor Affidavit, # <u>3</u> Ryan T. Banks' Attorney's Oath, # <u>4</u> Ryan T. Banks' Civility Principles Oath, # <u>5</u> Ryan T. Banks CM/ECF Registration Form)(Gross, Gabriel) (Entered: 06/07/2022)
06/08/2022	<u>142</u>	MOTION to Compel <i>Disclosures</i> by Moog Inc.. (Attachments: # <u>1</u> Declaration of Rena Andoh, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E, # <u>7</u> Exhibit F, # <u>8</u> Exhibit G, # <u>9</u> Exhibit H, # <u>10</u> Exhibit I, # <u>11</u> Exhibit J, # <u>12</u> Memorandum in Support Plaintiff's Motion to Compel Disclosures)(Fluskey, Robert) (Entered: 06/08/2022)
06/08/2022	<u>143</u>	MOTION to Seal by Moog Inc..(Fluskey, Robert) (Entered: 06/08/2022)
06/09/2022	<u>144</u>	TEXT ORDER: The motion of Ryan T. Banks, Esq. for <i>pro hac vice</i> admission <u>141</u> is granted. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 6/9/22. (MDY) -CLERK TO FOLLOW UP- (Entered: 06/09/2022)
06/09/2022	<u>145</u>	TEXT ORDER: Responses to Moog's motion to compel <u>142</u> shall be filed by June 13, 2022, and oral argument of the motion will be held at the conference scheduled for June 16, 2022 at 4:00 p.m. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 6/9/22. (MDY) (Entered: 06/09/2022)
06/09/2022	<u>146</u>	TEXT ORDER granting Moog's motion for leave to file under seal <u>143</u> . SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 6/9/22. (MDY) (Entered: 06/09/2022)
06/09/2022	<u>147</u>	Sealed Document: Declaration of Robert Fluskey in Support of Motion to Seal <u>143</u> (EG) (Entered: 06/09/2022)
06/09/2022	<u>148</u>	Sealed Document: Exhibit D to Declaration of Rena Andoh [142-5] (EG) (Entered: 06/09/2022)
06/09/2022	<u>149</u>	Unredacted Memorandum of Law in Support of Plaintiff's Motion to Compel Disclosures [142-12] (EG) Unsealed on 6/29/2022 (EG). (Entered: 06/09/2022)
06/09/2022	<u>150</u>	TEXT ORDER: At Skyrise's request and with Moog's consent, the deadline for responses to Moog's motion to compel <u>142</u> is extended to June 14, 2022, and oral argument of the motion remains scheduled for June 16, 2022 at 4:00 p.m. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 6/9/22. (MDY) (Entered: 06/09/2022) (MDY) (Entered: 06/09/2022)
06/13/2022	<u>151</u>	Letter MOTION to Unseal transcripts for limited purpose by Moog Inc. (EG) (Entered: 06/13/2022)
06/13/2022	<u>152</u>	TEXT ORDER: Plaintiff's unopposed Motion to Unseal <u>151</u> the April 26, 2022 and May 5, 2022 transcripts for the limited purpose of providing same to the Federal Bureau of Investigation is granted. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 6/13/2022. (EG) (Entered: 06/13/2022)
06/13/2022	<u>153</u>	

		MEMORANDUM in Opposition re <u>131</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>re Counts 6, 9, and 10</i> filed by Moog Inc.. (Fluskey, Robert) (Entered: 06/13/2022)
06/13/2022	<u>154</u>	MOTION to Seal <i>Memorandum in Opposition</i> by Moog Inc..(Fluskey, Robert) (Entered: 06/13/2022)
06/14/2022	<u>155</u>	MOTION to Seal <i>Limited Excerpts of Defendant Skyrise, Inc.'s Opposition to Plaintiff's Motion to Compel Disclosures</i> by Skyrise, Inc.. (Attachments: # <u>1</u> Declaration of Gabriel S. Gross in Support of Motion to Seal, # <u>2</u> Text of Proposed Order)(Gross, Gabriel) (Entered: 06/14/2022)
06/14/2022	<u>156</u>	MEMORANDUM in Opposition re <u>142</u> MOTION to Compel <i>Disclosures [Redacted]</i> filed by Skyrise, Inc.. (Gross, Gabriel) (Entered: 06/14/2022)
06/15/2022	<u>157</u>	Sealed Document: Declaration of Gabriel S. Gross in Support of Motion to Seal <u>155</u> (EG) (Entered: 06/15/2022)
06/15/2022	<u>158</u>	TEXT ORDER: Defendant Skyrise's Motion to Seal <u>155</u> is granted. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 6/15/2022. (EG) (Entered: 06/15/2022)
06/15/2022	<u>159</u>	Sealed Document: Defendant Skyrise's unredacted Memorandum in Opposition <u>156</u> to Plaintiff's Motion to Compel Disclosures (EG) (Entered: 06/15/2022)
06/16/2022	<u>160</u>	TEXT ORDER GRANTING <u>154</u> MOTION to Seal <i>Memorandum in Opposition</i> filed by Moog Inc. SO ORDERED. Issued by Hon. Lawrence J. Vilardo on 6/16/2022. (CMD) (Entered: 06/16/2022)
06/16/2022	<u>161</u>	Sealed Document – Declaration of Robert J. Fluskey, Jr., in Support of Motion to Seal. (CMD) (Entered: 06/16/2022)
06/16/2022	<u>162</u>	Unredacted Plaintiff's Memorandum of Law in Opposition to Defendants Robert Alin Pilkington's and Misook Kim's Motion to Dismiss Counts VI, IX, AND X of Plaintiff's Complaint pursuant to Fed. R. Civ. P. 12(b)(6). (CMD) Unsealed on 6/29/2022 (EG). (Entered: 06/16/2022)
06/16/2022	<u>163</u>	Letter filed by Skyrise, Inc. as to Does Nos. 1–50, Misook Kim, Robert Alin Pilkington, Skyrise, Inc. <i>regarding Plaintiff's unauthorized reply brief.</i> (Gross, Gabriel) (Entered: 06/16/2022)
06/16/2022	<u>164</u>	TEXT ORDER: For the reasons set forth on the record at today's Zoom proceeding, Moog's motion to compel <u>142</u> is deemed resolved. Additionally, the parties shall confer and by June 24, 2022, jointly identify which sealed filings thus far can be unsealed in whole or in part. Any disagreements, as well as the parties' respective positions, shall be set forth in the letter. The deadlines set forth in the parties' June 2, 2022 Stipulation <u>137</u> are amended as follows: The parties deadline to submit written discovery disputes to the Court for resolution is extended from June 16, 2022 to June 30, 2022. The parties shall also submit any discovery disputes related to the materials produced to iDS by July 14, 2022, without prejudice to Moog's right to request an extension of that deadline should iDS unduly delay the availability of this discovery for the parties' review. A further discovery status conference is scheduled for July 15, 2022 at 3:00 p.m. E.D.T. Zoom instructions will be circulated in advance. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 6/16/22. (MDY) (Entered: 06/16/2022)
06/16/2022	<u>168</u>	Minute Entry for proceedings held before Hon. Jeremiah J. McCarthy: Oral Argument/Discovery Status Conference held on 6/16/2022. Counsel for the parties appear by video. The parties agree to file joint letter identifying what items may be unsealed. The deadline to submit written discovery disputes discussed and extended. Deadline for discovery disputes related to the materials produced to iDS discussed and set. Arguments heard on Moog's motion to compel <u>142</u> . Items of dispute discussed, court renders guidance to the parties as stated.

		<p>A further discovery status conference is discussed and scheduled. Refer to Text Order 164 . The parties encouraged to continue to work to resolve open issues and check with District Judge Vilardo's chambers as to dates.</p> <p>APPEARANCES (by video): Rena Andoh, Kazim Naqvi, Lai Yip, and Robert Fluskey for plaintiff; Terry Flynn (by phone), Douglas Lumish, Gabriel Gross, Kelley Storey, Cassandra Baloga, Ryan Banks for defendant Skyrise; Alexander Truitt, Anthony Green for defendants Pilkington and Kim (Zoom for Government) (EG) (Entered: 06/24/2022)</p>
06/21/2022	<u>165</u>	MOTION to Seal <i>Exhibits A, E, and F to the Declaration of Gabriel S. Gross in Support of Skyrise's Motion to Compel</i> by Skyrise, Inc.. (Attachments: # <u>1</u> Declaration of Gabriel S. Gross in Support of Motion to Seal, # <u>2</u> Text of Proposed Order)(Gross, Gabriel) (Entered: 06/21/2022)
06/21/2022	<u>166</u>	MOTION to Compel <i>Trade Secret Identification</i> by Skyrise, Inc.. (Attachments: # <u>1</u> Memorandum in Support of Motion to Compel Trade Secret Identification, # <u>2</u> Declaration of Gabriel S. Gross in Support of Motion to Compel Trade Secret Identification, # <u>3</u> Exhibit A – Moog's Responses to Interrogatories [filed under seal], # <u>4</u> Exhibit B – May 26, 2022 Letter, # <u>5</u> Exhibit C – May 27, 2022 Letter, # <u>6</u> Exhibit D – June 6, 2022 Email, # <u>7</u> Exhibit E – June 10, 2022 Email [filed under seal], # <u>8</u> Exhibit F – April 19, 2022 Letter [REDACTED], # <u>9</u> Text of Proposed Order)(Gross, Gabriel) (SEALED attachment(s) added on 7/12/2022: # <u>10</u> Exhibit A [SEALED], # <u>11</u> Exhibit E [SEALED], # <u>12</u> Unredacted Exhibit F [SEALED]) (EG). (Entered: 06/21/2022)
06/22/2022	<u>167</u>	TEXT ORDER: Responses to Skyrise's motion to compel trade secret identification <u>166</u> shall be filed by July 5, 2022; a reply, if any, shall be filed by July 12, 2022; and oral argument is scheduled for July 15, 2022 at 3:00 p.m. E.D.T. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 6/22/22. (MDY) (Entered: 06/22/2022)
06/24/2022	<u>169</u>	Letter filed by Moog Inc. as to Does Nos. 1–50, Misook Kim, Robert Alin Pilkington, Skyrise, Inc. (<i>Joint Letter regarding Sealed Documents</i>). (Attachments: # <u>1</u> Exhibit 1 – May 4, 2022 letter)(Fluskey, Robert) (Entered: 06/24/2022)
06/27/2022	<u>170</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings (STATUS CONFERENCE) held on 06/01/2022, before MAGISTRATE JUDGE JEREMIAH J. MCCARTHY. Transcriber Karen J. Clark, RPR, KarenClark1013@AOL.com. Transcript may be viewed at the court public terminal or purchased through the Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 7/18/2022. Redacted Transcript Deadline set for 7/28/2022. Release of Transcript Restriction set for 9/26/2022. (KJC) (Entered: 06/27/2022)
06/29/2022	<u>171</u>	TEXT ORDER: Before the court is the parties' dispute concerning whether non-party identities and identifying information should be redacted from Skyrise's May 4, 2022 letter [169–1] and Memorandum of Law in Opposition to Moog's Motion to Compel <u>156</u> . See June 24, 2022 letter <u>169</u> , Section III. To ensure that all interested parties have an opportunity to address this issue, by July 21, 2022 the non-parties identified in these filings may make written submissions concerning the pending dispute. Those submissions shall be mailed to Hon. Jeremiah J. McCarthy, Robert H. Jackson United States Courthouse, 2 Niagara Square, Buffalo, New York 14202 or e-mailed to mccarthy@nywd.uscourts.gov. By July 7, 2022, Skyrise shall serve (by mail or e-mail) the non-parties with the June 24, 2022 letter <u>169</u> , unredacted copies of [169–1] and <u>156</u> (subject name and identifiers only), and this Text Order. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 6/29/22. (MDY) (Entered: 06/29/2022)
06/29/2022	<u>172</u>	TEXT ORDER: The documents identified in section I of the parties' joint letter dated June 24, 2022 <u>169</u> are hereby unsealed. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 6/29/2022. (EG) (Entered: 06/29/2022)

06/29/2022	<u>173</u>	NOTICE: Judge McCarthy has been summoned to report for state court jury duty for the week of July 11, 2022. In the unlikely event that he is seated as a juror, proceedings scheduled for that week may need to be rescheduled on short notice. If the parties wish to avoid that possibility by rescheduling that weeks proceedings in advance, please contact chambers prior to July 11th. (EG) (Entered: 06/29/2022)
06/29/2022	<u>174</u>	MOTION to appear pro hac vice of <i>Julianne Osborne</i> (Filing fee \$ 200 receipt number ANYWDC-4616154.) by Skyrise, Inc.. (Attachments: # <u>1</u> Julianne Osborne's Admission Petition Form, # <u>2</u> Julianne Osborne's Admission Sponsor Affidavit, # <u>3</u> Julianne Osborne's Attorney's Oath, # <u>4</u> Julianne Osborne's Civility Principles Oath, # <u>5</u> Julianne Osborne's CM/ECF Registration Form)(Gross, Gabriel) (Entered: 06/29/2022)
06/30/2022	<u>175</u>	TEXT ORDER: The motion of Julianne Osborne, Esq., for <i>pro hac vice</i> admission <u>174</u> is granted. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 6/30/2022. (EG) -CLERK TO FOLLOW UP- (Entered: 06/30/2022)
06/30/2022	<u>176</u>	MOTION to Compel <i>Written Discovery Responses and Production of Documents</i> by Moog Inc.. (Attachments: # <u>1</u> Memorandum in Support redacted memorandum of law, # <u>2</u> Declaration of Rena Andoh, # <u>3</u> Exhibit A, # <u>4</u> Exhibit B, # <u>5</u> Exhibit C – redacted, # <u>6</u> Exhibit D, # <u>7</u> Exhibit E, # <u>8</u> Exhibit F, # <u>9</u> Exhibit G, # <u>10</u> Exhibit H, # <u>11</u> Exhibit I, # <u>12</u> Exhibit J)(Fluskey, Robert) (SEALED attachment(s) added on 7/7/2022: # <u>13</u> UNREDACTED Memorandum in Support (SEALED), # <u>14</u> UNREDACTED Exhibit C (SEALED)) (EG). (Entered: 06/30/2022)
06/30/2022	<u>177</u>	MOTION to Seal Document <u>176</u> MOTION to Compel <i>Written Discovery Responses and Production of Documents</i> by Moog Inc..(Fluskey, Robert) (Additional attachment(s) added on 7/7/2022: # <u>1</u> Declaration of Robert Fluskey) (EG). (Entered: 06/30/2022)
06/30/2022	<u>178</u>	MOTION to Seal <i>Excerpts of Skyrise's Motion to Compel and Portions of Exhibit D to the Declaration of Julianne Osborne in Support of Skyrise's Motion to Compel</i> by Skyrise, Inc.. (Attachments: # <u>1</u> Declaration of Julianne Osborne in Support of Motion to Seal, # <u>2</u> Text of Proposed Order)(Gross, Gabriel) (Entered: 06/30/2022)
06/30/2022	<u>179</u>	MOTION to Compel <i>Production of Documents Responsive to Skyrise's RFPs Nos. 5, 11, and 15</i> by Skyrise, Inc.. (Attachments: # <u>1</u> Memorandum in Support of Motion to Compel Production of Documents Responsive to Skyrise's RFPs Nos. 5, 11, and 15, # <u>2</u> Declaration of Julianne Osborne in Support of Motion to Compel Production, # <u>3</u> Exhibit A – Moog's Responses to RFPs, # <u>4</u> Exhibit B – June 4, 2022 Letter, # <u>5</u> Exhibit C – June 9, 2022 Email, # <u>6</u> Exhibit D – June 20–27, 2022 Emails [REDACTED], # <u>7</u> Exhibit E – Moog's RFPs, # <u>8</u> Text of Proposed Order)(Gross, Gabriel) (SEALED attachment(s) added on 7/12/2022: # <u>9</u> Unredacted Memorandum in Support of Motion to Compel (SEALED), # <u>10</u> Unredacted Exhibit D (SEALED)) (EG). (Entered: 06/30/2022)
07/05/2022	<u>180</u>	MEMORANDUM in Opposition re <u>166</u> MOTION to Compel <i>Trade Secret Identification</i> filed by Moog Inc.. (Attachments: # <u>1</u> Declaration of Rena Andoh, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E, # <u>7</u> Exhibit F, # <u>8</u> Exhibit G, # <u>9</u> Exhibit H–1, # <u>10</u> Exhibit H–2)(Fluskey, Robert) (Entered: 07/05/2022)
07/06/2022	<u>181</u>	TEXT ORDER: Plaintiff's motion <u>177</u> to seal is granted. Sealed documents appended to original filing <u>176</u> . SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 7/6/2022. (JD) Modified on 7/12/2022 (EG). (Entered: 07/06/2022)
07/06/2022	<u>182</u>	TEXT ORDER: Defendant's motion <u>178</u> to seal is granted. Sealed documents appended to original filing <u>179</u> . SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 7/6/2022. (JD) Modified on 7/12/2022 (EG). (Entered: 07/06/2022)
07/06/2022	<u>183</u>	

		TEXT ORDER: The parties' respective responses to the motions to compel filed by plaintiff <u>176</u> and defendant <u>179</u> shall be filed on or before July 11, 2022. Replies, if any, shall be filed by July 13, 2022. Oral argument will take place on July 15, 2022 at 3:00 p.m. Zoom instructions will be circulated in advance. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 7/6/2022. (JD) (Entered: 07/06/2022)
07/08/2022	<u>184</u>	NOTICE of Appearance by James P. Nonkes on behalf of Skyrise, Inc. (Nonkes, James) (Entered: 07/08/2022)
07/08/2022	<u>185</u>	MOTION to appear pro hac vice of <i>Arman Zahoory, Esq.</i> (Filing fee \$ 200 receipt number ANYWDC-4622350.) by Skyrise, Inc.. (Attachments: # <u>1</u> Exhibit Petition for Admission, # <u>2</u> Exhibit Certificate of Good Standing, # <u>3</u> Affidavit Sponsoring Affidavit, # <u>4</u> Exhibit Attorney Oath, # <u>5</u> Exhibit Civility Principles, # <u>6</u> Exhibit WDNY Attorney Registration Form)(Nonkes, James) (Entered: 07/08/2022)
07/11/2022	<u>186</u>	TEXT ORDER: The motion of Arman Zahoory, Esq. for <i>pro hac vice</i> admission <u>185</u> is granted. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 7/11/22. (MDY) -CLERK TO FOLLOW UP- (Entered: 07/11/2022)
07/11/2022	<u>187</u>	MEMORANDUM in Opposition re <u>179</u> MOTION to Compel <i>Production of Documents Responsive to Skyrise's RFPs Nos. 5, 11, and 15</i> filed by Moog Inc.. (Attachments: # <u>1</u> Declaration of Rena Andoh, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C (filed under seal), # <u>5</u> Declaration of Michael Hunter)(Fluskey, Robert) (SEALED attachment(s) added on 7/12/2022: # <u>6</u> Exhibit C part 1 (SEALED), # <u>7</u> Exhibit C part 2 (SEALED)) (EG). (Entered: 07/11/2022)
07/11/2022	<u>188</u>	MOTION to Seal <i>Exhibit C to Andoh Declaration</i> by Moog Inc..(Fluskey, Robert) (Additional attachment(s) added on 7/12/2022: # <u>1</u> Declaration Fluskey Declaration in Support of the Motion to Seal) (EG). (Entered: 07/11/2022)
07/11/2022	<u>189</u>	MOTION to Seal <i>Excerpts of Skyrise's Opposition to Moog's Motion to Compel and Exhibit B to the Declaration of Ryan Banks in Support of Skyrise's Opposition</i> by Skyrise, Inc.. (Attachments: # <u>1</u> Declaration of Ryan Banks in Support of Motion to Seal, # <u>2</u> Text of Proposed Order)(Gross, Gabriel) (Entered: 07/11/2022)
07/11/2022	<u>190</u>	MEMORANDUM in Opposition re <u>176</u> MOTION to Compel <i>Written Discovery Responses and Production of Documents</i> filed by Skyrise, Inc.. (Attachments: # <u>1</u> Declaration of Ryan Banks in Support of Defendant Skyrise, Inc.'s Opposition to Plaintiff's Motion to Compel Written Discovery Responses and Production of Documents, # <u>2</u> Exhibit A – Hearing Transcript, # <u>3</u> Exhibit B – [Redacted] Correspondence Between Counsel, # <u>4</u> Exhibit C – Proposed Source Code Protocol, # <u>5</u> Exhibit D – NDCA Model Protective Order, # <u>6</u> Exhibit E – EDCA Sample Protective Order, # <u>7</u> Exhibit F – Email Correspondence Between Counsel, # <u>8</u> Exhibit G – Email Sent by Counsel, # <u>9</u> Text of Proposed Order)(Gross, Gabriel) (SEALED attachment(s) added on 7/12/2022: # <u>10</u> Unredacted Memorandum in Support (SEALED), # <u>11</u> Unredacted Exhibit B (SEALED)) (EG). (Entered: 07/11/2022)
07/12/2022	<u>191</u>	TEXT ORDER: Defendant's Motion to Seal <u>189</u> is granted. Sealed documents appended to original filing <u>190</u> . Issued by Hon. Jeremiah J. McCarthy on 7/12/2022. (EG) (Entered: 07/12/2022)
07/12/2022	<u>192</u>	TEXT ORDER: Defendant's Motion to Seal <u>165</u> is granted. Sealed documents appended to original filing <u>166</u> . Issued by Hon. Jeremiah J. McCarthy on 7/12/2022. (EG) (Entered: 07/12/2022)
07/12/2022	<u>193</u>	TEXT ORDER: Plaintiff's Motion to Seal <u>188</u> is granted. Sealed documents appended to original filing <u>187</u> . Issued by Hon. Jeremiah J. McCarthy on 7/12/2022. (EG) (Entered: 07/12/2022)

07/12/2022	<u>194</u>	REPLY to Response to Motion re <u>166</u> MOTION to Compel <i>Trade Secret Identification</i> filed by Skyryse, Inc.. (Gross, Gabriel) (Entered: 07/12/2022)
07/13/2022	<u>195</u>	REPLY to Response to Motion re <u>176</u> MOTION to Compel <i>Written Discovery Responses and Production of Documents</i> filed by Moog Inc.. (Fluskey, Robert) (Entered: 07/13/2022)
07/13/2022	<u>196</u>	MOTION to Seal <i>Excerpts of Skyryse's Reply in Support of Motion to Compel</i> by Skyryse, Inc.. (Attachments: # <u>1</u> Declaration of Arman Zahoory in Support of Motion to Seal, # <u>2</u> Text of Proposed Order)(Gross, Gabriel) (Entered: 07/13/2022)
07/13/2022	<u>197</u>	RESPONSE in Support re <u>179</u> MOTION to Compel <i>Production of Documents Responsive to Skyryse's RFPs Nos. 5, 11, and 15</i> filed by Skyryse, Inc.. (Gross, Gabriel) (SEALED attachment(s) added on 7/14/2022: # <u>1</u> Unredacted Reply Memorandum of Law (SEALED)) (EG). (Entered: 07/13/2022)
07/14/2022	<u>198</u>	TEXT ORDER: Defendant's Motion to Seal <u>196</u> its unredacted reply is granted. Sealed document appended to original filing <u>197</u> . Issued by Hon. Jeremiah J. McCarthy on 7/14/2022. (EG) (Entered: 07/14/2022)
07/14/2022	<u>199</u>	STIPULATION <i>and Proposed Order re Deadline to Submit Written Discovery Disputes</i> by Skyryse, Inc.. (Gross, Gabriel) (Entered: 07/14/2022)
07/15/2022	<u>200</u>	TEXT ORDER: The Stipulation and Proposed Order <u>199</u> is approved. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 7/15/2022. (EG) (Entered: 07/15/2022)
07/15/2022	<u>201</u>	Minute Entry for proceedings held before Hon. Jeremiah J. McCarthy: Oral Argument held on 7/15/2022. Counsel for the parties appear by video. The parties argue their positions regarding Skyryse's Motion to Compel Trade Secret Identification <u>166</u> . The court intends to issue decision next week and will address the remaining motions to compel at a subsequent appearance. The parties to submit emails with citations referenced by Monday and may submit update on IDS backlog issues. Date and time of next conference discussed and set. Text Order to follow. APPEARANCES (by video): Rena Andoh, Kazim Naqvi, Lai Yip, Pauline Muto, and Robert Fluskey for plaintiff; Douglas Lumish, Gabriel Gross, Kelley Storey, Cassandra Baloga, Ryan Banks, Joseph Lee, Arman Zahoory, Julianne Osborne, Jeri Looney, James Nonkes (by phone) for defendant Skyryse; Alexander Truitt, Anthony Green for defendants Pilkington and Kim (Court Reporter Zoom for Government.) (EG) (Entered: 07/15/2022)
07/15/2022	<u>202</u>	TEXT ORDER: As discussed at the conclusion of today's argument, the parties shall email the referenced citations to my chambers by Monday July 18, 2022. A further conference will be held on July 27, 2022 at 1:30 PM (EDT) by video conference. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 7/15/2022. (EG) (Entered: 07/15/2022)
07/18/2022	<u>203</u>	NOTICE of Appearance by Maria Annabel Mireles on behalf of Misook Kim, Robert Alin Pilkington (Mireles, Maria) (Entered: 07/18/2022)
07/21/2022	<u>204</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Oral Argument Proceedings held on 7/15/2022, before Judge Jeremiah J. McCarthy. Court Reporter/Transcriber Karen J. Clark, Karenclark1013@AOL.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 8/11/2022. Redacted Transcript Deadline set for 8/22/2022. Release of Transcript Restriction set for 10/19/2022. (JLV) (Entered: 07/21/2022)
07/22/2022	<u>205</u>	DECISION and ORDER granting in part and denying in part Skyryse's motion to compel trade secret identification <u>166</u> . Signed by Hon. Jeremiah J. McCarthy on 7/22/22. (MDY) (Entered: 07/22/2022)

07/27/2022	<u>206</u>	TEXT ORDER: For the reasons stated on the record at today's Zoom conference, the items identified in Section III of Moog's June 24, 2022 letter <u>169</u> shall be unsealed on August 8, 2022, unless a further stay of this ruling is obtained from District Judge Vilardo. By August 3, 2022: 1) the individual defendants shall file their motion for a stay, which shall include, among other issues, identification of the information they allegedly require from Moog to determine the scope of any Fifth Amendment privilege they will assert to the production of discovery in this case; and 2) Moog and Skyryse shall file any motions related to the discovery allegedly necessary to enable Moog to identify its trade secrets. Responses to these motions shall be filed by August 17, 2022; replies, if any, shall be filed by August 24, 2022; and oral argument is scheduled for September 12, 2022 at 2:00 p.m. E.D.T. Zoom instructions will be circulated in advance. Also by August 3, 2022 Moog may submit a supplemental letter brief with case law addressing the distinction between source code search protocols for patent and trade secret cases. Skyryse shall respond by August 10, 2022, after which time this portion of Moog's motion to compel (<u>176</u> , Point IV) will be taken under advisement. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 7/27/22. (MDY) (Entered: 07/27/2022)
07/27/2022	<u>207</u>	Minute Entry for proceedings held before Hon. Jeremiah J. McCarthy: Status Conference/Oral Argument held on 7/27/2022. Counsel for the parties appear by video conference. The court addresses the sealing of certain names and rules that there is no need to continue sealing same. The parties address competing proposals/protocols for review of devices, the exchange of discovery provided to government, and whether sufficient information has been provided to the individual defendants so that they can make determination as whether to invoke Fifth Amendment. The parties to file motions with respect to the information required to allow the individual defendants to make such determination and to allow Moog to identify its trade secrets at issue. Briefing Scheduled discussed and set. Refer to Text Order 206 . APPEARANCES (by video): Rena Andoh, Kazim Naqvi, Lai Yip, Travis Anderson, Pauline Muto, and Robert Fluskey for plaintiff; Douglas Lumish, Gabriel Gross, Kelley Storey, Cassandra Baloga, Ryan Banks, Joseph Lee, Arman Zahoory, Julianne Osborne, Jeri Looney, Terrance Flynn for defendant Skyryse; Alexander Truitt, Anthony Green, Annabel Mirales, for defendants Pilkington and Kim (Court Reporter Karen Clark) (EG) (Entered: 07/27/2022)
08/01/2022	<u>208</u>	TEXT ORDER: By e-mail (attached) Moog has requested a conference to address a discovery dispute with the individual defendants. The individual defendants shall file a written response by the close of business on August 3, 2022, and a Zoom conference to address these submissions is scheduled for August 4, 2022 at 3:00 p.m. E.D.T. Zoom instructions will be circulated in advance of the conference. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 8/1/22. (MDY) (Entered: 08/01/2022)
08/03/2022	<u>209</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings (ORAL ARGUMENT) held on 07/27/2022 via Zoom for Government Platform, before MAGISTRATE JUDGE JEREMIAH J. MCCARTHY. Court Reporter Karen J. Clark, RPR, KarenClark1013@AOL.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 8/24/2022. Redacted Transcript Deadline set for 9/6/2022. Release of Transcript Restriction set for 11/1/2022. (KJC) (Entered: 08/03/2022)
08/03/2022	<u>210</u>	MOTION to Compel <i>Discovery Necessary for Further Trade Secret Identification</i> by Moog Inc.. (Attachments: # <u>1</u> Declaration of Kevin Crozier, # <u>2</u> Declaration of Bruce Pixley, # <u>3</u> Declaration of Rena Andoh, # <u>4</u> Exhibit A to Andoh Declaration, # <u>5</u> Exhibit B to Andoh Declaration, # <u>6</u> Exhibit C to Andoh Declaration, # <u>7</u> Exhibit D to Andoh Declaration)(Fluskey, Robert) (Sealed

		documents added on 8/9/2022: # <u>8</u> Unredacted Motion to Compel Discovery Necessary for Further Trade Secret Identification, # <u>9</u> Unredacted Declaration of Kevin M. Crozier, # <u>10</u> Unredacted Declaration of Bruce Pixley, # <u>11</u> Unredacted Exhibit B to Andoh Declaration) (EG). (Entered: 08/03/2022)
08/03/2022	<u>211</u>	Letter filed by Moog Inc. as to Does Nos. 1–50, Misook Kim, Robert Alin Pilkington, Skyrise, Inc. . (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6)(Fluskey, Robert) (Sealed documents added on 8/9/2022: # <u>7</u> Unredacted Letter Brief on Source Code Search Protocols, # <u>8</u> Unredacted Exhibit 2 to Letter Brief) (EG). (Entered: 08/03/2022)
08/03/2022	<u>212</u>	MOTION to Seal Document <u>211</u> Letter, <u>210</u> MOTION to Compel <i>Discovery Necessary for Further Trade Secret Identification</i> by Moog Inc..(Fluskey, Robert) (Sealed document added on 8/9/2022: # <u>1</u> Fluskey Declaration in Support of Motion to Seal) (EG). (Entered: 08/03/2022)
08/03/2022	<u>213</u>	MOTION to Enter Source Code Protocol by Skyrise, Inc.. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit A – Proposed Source Code Protocol)(Gross, Gabriel) (Entered: 08/03/2022)
08/03/2022	<u>214</u>	MOTION to Stay by Misook Kim, Robert Alin Pilkington. (Attachments: # <u>1</u> Memorandum in Support (Redacted and Filed Under Seal), # <u>2</u> Declaration of Anthony D. Green, # <u>3</u> Exhibit A (July 15, 2022 Transcript – Redacted and Filed Under Seal), # <u>4</u> Exhibit B (Communication with FBI – Redacted and Filed Under Seal), # <u>5</u> Exhibit C (Moog Guidelines with respect to Trade Secret Identification – Redacted and Filed Under Seal), # <u>6</u> Exhibit D (May 5, 2022 Transcript), # <u>7</u> Exhibit E (Add'l Communications with FBI – Redacted and Filed Under Seal), # <u>8</u> Exhibit F (Defendants' Requests for Production), # <u>9</u> Exhibit G (Defendants' First Set of Interrogatories), # <u>10</u> Exhibit H (July 26, 2022 Email from Plaintiff's Counsel – Redacted and Filed Under Seal))(Green, Anthony) (Sealed Documents added on 8/9/2022: # <u>11</u> Unredacted Memorandum in Support of Law in support of Motion to Stay, # <u>12</u> Unredacted Exhibit A, # <u>13</u> Unredacted Exhibit B , # <u>14</u> Unredacted Exhibit C, # <u>15</u> Unredacted Exhibit E , # <u>16</u> Unredacted Exhibit H) (EG). (Entered: 08/03/2022)
08/03/2022	<u>215</u>	MOTION to Seal Document <u>214</u> MOTION to Stay by Misook Kim, Robert Alin Pilkington.(Green, Anthony) (Sealed document added on 8/9/2022: # <u>1</u> Declaration of Anthony D. Green in Support of the Motion to Seal) (EG). (Entered: 08/03/2022)
08/04/2022	<u>216</u>	TEXT ORDER: In accordance with today's Zoom conference, by August 11, 2022 Moog and the individual defendants shall file submissions concerning the individual defendants' termination of Moog's ability to review their electronic devices in the possession of iDS. Responses shall be filed by August 15, 2022, after which time this issue will be taken under advisement without oral argument unless deemed necessary by the court. The pending discovery deadlines are held in abeyance until the individual defendants' motion to stay <u>214</u> is resolved. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 8/4/22. (MDY) (Entered: 08/04/2022)
08/04/2022	<u>217</u>	Minute Entry for proceedings held before Hon. Jeremiah J. McCarthy: Discovery Hearing held on 8/4/2022. Counsel for the parties appear by video by consent. The court notes the filing of motions but focuses on the issue raised by Moog's counsel in August 1st email, regarding the individual defendants withdrawing access to certain devices pending review of privilege against self–incrimination. The parties discuss the timeline of discovery and of the parallel criminal investigation. The court sets briefing schedule on the issue. Discovery deadlines remain in abeyance. APPEARANCES (by video): Rena Andoh, Kazim Naqvi, Lai Yip, Travis Anderson, Pauline Muto, and Robert Fluskey for plaintiff; Gabriel Gross, Ryan Banks, Arman Zahoory, Julianne Osborne, Jeri Looney, Terrance Flynn, Alex Wyman for defendant Skyrise; Alexander Truitt, Anthony Green, Annabel Mirales, for defendants Pilkington and Kim (Court Reporter Zoom for Government) (EG) (Entered: 08/05/2022)

08/09/2022	<u>218</u>	TEXT ORDER: Plaintiff's Motion to Seal <u>212</u> is granted. Sealed documents appended to original filings [210, 211]. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 8/9/2022. (EG) (Entered: 08/09/2022)
08/09/2022	<u>219</u>	TEXT ORDER: the Individual Defendants' Motion to Seal <u>215</u> is granted. Sealed documents appended to original filing <u>214</u> . SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 8/9/2022. (EG) (Entered: 08/09/2022)
08/09/2022	<u>220</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings (DISCOVERY HEARING) held on 08/04/2022 via ZOOM FOR GOVERNMENT PLATFORM, before MAGISTRATE JUDGE JEREMIAH J. MCCARTHY. Transcriber Karen J. Clark, RPR, KarenClark1013@AOL.com. Transcript may be viewed at the court public terminal or purchased through the Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 8/30/2022. Redacted Transcript Deadline set for 9/9/2022. Release of Transcript Restriction set for 11/7/2022. (KJC) (Entered: 08/09/2022)
08/09/2022	<u>221</u>	AMENDED TEXT REFERRAL ORDER (DISPOSITIVE) – Hon. Jeremiah J. McCarthy, United States Magistrate Judge, is hereby designated to act in this case as follows: Pursuant to 28 U.S.C. § 636(b)(1)(A) and (B), all pre–trial matters in this case are referred to the above–named United States Magistrate Judge, including but not limited to: (1) conduct of a scheduling conference and entry of a scheduling order pursuant to Fed. R. Civ. P. 16, (2) hearing and disposition of all non–dispositive motions or applications, (3) supervision of discovery, and (4) supervision of all procedural matters involving the aforementioned or involving the preparation of the case or any matter therein for consideration by the District Judge. The Magistrate Judge shall also hear and report upon dispositive motions for the consideration of the District Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and (C). All motions or applications shall be filed with the Clerk and made returnable before the Magistrate Judge. The parties are encouraged to consider the provisions of 28 U.S.C. § 636(c) governing consent to either partial or complete disposition of the case, including trial if necessary, by the Magistrate Judge. Consent forms are available from the office of the Magistrate Judge or the office of the Clerk of Court. IT IS SO ORDERED. Issued by Hon. Lawrence J. Vilardo on 8/9/2022. (WMH) (Entered: 08/09/2022)
08/09/2022	<u>222</u>	MOTION for Leave to File a <i>Supplemental Brief</i> by Skyrise, Inc.. (Attachments: # <u>1</u> Memorandum in Support of Motion for Leave to File a Supplemental Brief, # <u>2</u> Declaration of Julianne Osborne in Support of Motion for Leave to File a Supplemental Brief, # <u>3</u> Exhibit A – [Proposed] Supplemental Brief, # <u>4</u> Exhibit B – August 4, 2022 Transcript Excerpts, # <u>5</u> Exhibit C – [Proposed] Supplemental Declaration of Julianne Osborne, # <u>6</u> Exhibit 1 – August 4, 2022 Transcript Excerpts, # <u>7</u> Exhibit 2 – June 10, 2022 Letter, # <u>8</u> Exhibit 3 – August 5, 2022 Email, # <u>9</u> Text of Proposed Order)(Gross, Gabriel) (Entered: 08/09/2022)
08/10/2022	<u>223</u>	TEXT ORDER: Defendant Skyrise, Inc.'s motion for leave to file a supplemental brief <u>222</u> is granted. Plaintiff may respond to that supplementation by August 17, 2022, and oral argument of defendants' motions to dismiss or transfer venue [47, 48] will be held by Zoom on August 25, 2022 at 2:00 p.m. E.D.T. Zoom instructions will be circulated in advance of the argument. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 8/10/22. (MDY) (Entered: 08/10/2022)
08/10/2022	<u>224</u>	MEMORANDUM in Support re <u>48</u> MOTION to Dismiss for Lack of Jurisdiction <i>or, Alternatively, to Transfer Venue</i> MOTION to Change Venue –– <i>Supplemental Brief in Support of Defendant Skyrise's Motion to Dismiss or, Alternatively, to Transfer Venue</i> filed by Skyrise, Inc.. (Attachments: # <u>1</u> Supplemental Declaration of Julianne Osborne in Further Support of Skyrise's Motion to Dismiss or, Alternatively, to Transfer Venue, # <u>2</u> Exhibit 1 – August 4, 2022 Transcript Excerpts, # <u>3</u> Exhibit 2 – June 10, 2022 Letter, # <u>4</u> Exhibit 3 – August 5, 2022 Email)(Gross, Gabriel) (Entered: 08/10/2022)
08/10/2022	<u>225</u>	

		Letter filed by Skyrise, Inc. as to Does Nos. 1–50, Misook Kim, Robert Alin Pilkington, Skyrise, Inc. <i>in response to Moog's August 3, 2022 supplemental letter brief [ECF 211]</i> . (Attachments: # <u>1</u> Exhibit A – Trade Secret Protective Orders, # <u>2</u> Exhibit B – Proofpoint Verdict Form, # <u>3</u> Exhibit C – Brocade Case Management Order)(Gross, Gabriel) (Entered: 08/10/2022)
08/11/2022	<u>226</u>	Emergency MOTION Clarification of the Court's Order re 216 Text Order., by Moog Inc.. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Declaration, # <u>3</u> Exhibit A – 8/2/22 email correspondence, # <u>4</u> Exhibit B – 8/4/22 email correspondence, # <u>5</u> Exhibit C – 8/4/22–8/9/22 email correspondence)(Fluskey, Robert) (Sealed document added on 8/12/2022: # <u>6</u> Exhibit B to Andoh Declaration) (EG). (Entered: 08/11/2022)
08/11/2022	<u>227</u>	MOTION to Seal <i>Exhibit B to Declaration of Rena Andoh filed in support of Moog's Emergency Motion for Clarification of the Court's Order at ECF 216</i> by Moog Inc..(Fluskey, Robert) (Sealed document added on 8/12/2022: # <u>1</u> Declaration of Robert Fluskey in Support of Motion to Seal) (EG). (Entered: 08/11/2022)
08/11/2022	<u>228</u>	MOTION for a Court order restoring Moog's access to devices of individual defendants re 216 Text Order., by Moog Inc.. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Declaration of Robert J. Fluskey, Jr., # <u>3</u> Exhibit A to Fluskey Declaration, # <u>4</u> Exhibit B to Fluskey Declaration, # <u>5</u> Exhibit C to Fluskey Declaration, # <u>6</u> Exhibit D to Fluskey Declaration, # <u>7</u> Exhibit E to Fluskey Declaration, # <u>8</u> Exhibit F to Fluskey Declaration, # <u>9</u> Exhibit G to Fluskey Declaration, # <u>10</u> Exhibit H to Fluskey Declaration, # <u>11</u> Exhibit I to Fluskey Declaration, # <u>12</u> Exhibit J to Fluskey Declaration)(Fluskey, Robert) (Entered: 08/11/2022)
08/11/2022	<u>229</u>	MOTION To Claw Back Electronic Devices by Misook Kim, Robert Alin Pilkington. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Declaration, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit, # <u>8</u> Exhibit, # <u>9</u> Exhibit, # <u>10</u> Exhibit, # <u>11</u> Exhibit, # <u>12</u> Exhibit, # <u>13</u> Exhibit)(Truitt, Alexander) (Sealed documents added on 8/12/2022: # <u>14</u> unredacted Memorandum in Support of Individual Defendants' claw back Motion, # <u>15</u> Exhibit G, # <u>16</u> Exhibit H, # <u>17</u> Exhibit I) (EG). (Entered: 08/11/2022)
08/11/2022	<u>230</u>	MOTION to Seal <i>Re: Dkt. No. 229</i> by Misook Kim, Robert Alin Pilkington.(Truitt, Alexander) (Sealed documents added on 8/12/2022: # <u>1</u> Declaration of Anthony D. Green in Support of the Motion to Seal) (EG). (Entered: 08/11/2022)
08/12/2022	231	TEXT ORDER: Responses to Moog's emergency motion for clarification <u>226</u> shall be filed by August 18, 2022, and oral argument of that motion, as well as motions [47, 48, 228 and 229], is scheduled for August 25, 2022 at 2:00 p.m. E.D.T. Zoom instructions will be circulated in advance of the argument. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 8/12/22. (MDY) (Entered: 08/12/2022)
08/12/2022	232	TEXT ORDER: Plaintiff's Motion to Seal <u>227</u> is granted. Sealed documents appended to original filing <u>226</u> . SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 8/12/2022. (EG) (Entered: 08/12/2022)
08/12/2022	233	TEXT ORDER: Plaintiff's Motion to Seal <u>230</u> is granted. Sealed documents appended to original filing <u>229</u> . SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 8/12/2022. (EG) (Entered: 08/12/2022)
08/15/2022	<u>234</u>	MEMORANDUM in Opposition re <u>229</u> MOTION To Claw Back Electronic Devices filed by Moog Inc.. (Andoh, Rena) (Entered: 08/15/2022)
08/15/2022	<u>235</u>	NOTICE by Moog Inc. re <u>234</u> Memorandum in Opposition to Motion <i>ERRATA</i> (Andoh, Rena) (Entered: 08/15/2022)
08/15/2022	<u>236</u>	REPLY/RESPONSE to re <u>229</u> MOTION To Claw Back Electronic Devices filed by Moog Inc.. (Andoh, Rena) (Entered: 08/15/2022)

08/15/2022	<u>237</u>	MEMORANDUM in Opposition re <u>228</u> MOTION for a Court order restoring Moog's access to devices of individual defendants re 216 Text Order,, filed by Misook Kim, Robert Alin Pilkington. (Truitt, Alexander) (Entered: 08/15/2022)
08/17/2022	<u>238</u>	MEMORANDUM in Opposition re <u>213</u> MOTION to Enter Source Code Protocol filed by Moog Inc.. (Attachments: # <u>1</u> Declaration of Kevin M. Crozier, # <u>2</u> Declaration of Bruce W. Pixley, # <u>3</u> Declaration of Rena Andoh, # <u>4</u> Exhibit A – Softketeers Order, # <u>5</u> Exhibit B – Syntel Order, # <u>6</u> Exhibit C – ImageKeeper Order)(Fluskey, Robert) (Entered: 08/17/2022)
08/17/2022	<u>239</u>	MEMORANDUM in Opposition re <u>48</u> MOTION to Dismiss for Lack of Jurisdiction <i>or, Alternatively, to Transfer Venue</i> MOTION to Change Venue ; <i>Supplemental Brief in Opposition</i> filed by Moog Inc.. (Fluskey, Robert) (Entered: 08/17/2022)
08/17/2022	<u>240</u>	MEMORANDUM in Opposition re <u>214</u> MOTION to Stay filed by Moog Inc.. (Attachments: # <u>1</u> Declaration of Rena Andoh, # <u>2</u> Exhibit A to Declaration of Rena Andoh, # <u>3</u> Exhibit B to Declaration of Rena Andoh)(Fluskey, Robert) (Entered: 08/17/2022)
08/17/2022	<u>241</u>	RESPONSE in Support re <u>214</u> MOTION to Stay filed by Skyrise, Inc.. (Gross, Gabriel) (Entered: 08/17/2022)
08/17/2022	<u>242</u>	RESPONSE in Opposition re <u>210</u> MOTION to Compel <i>Discovery Necessary for Further Trade Secret Identification</i> filed by Skyrise, Inc.. (Attachments: # <u>1</u> Declaration of Arman Zahoory in Support of Skyrise Opposition to Plaintiff's Motion to Compel Discovery Necessary for Further Trade Secret identification, # <u>2</u> Exhibit A– Email correspondence from Kazim Naqvi to counsel, dated August 4, 2022, # <u>3</u> [REDACTED] Declaration of C. Douglass Locke, PH.D)(Gross, Gabriel) (Sealed document added on 8/18/2022: # <u>4</u> unredacted Declaration of C. Douglass Locke PhD) (EG). (Entered: 08/17/2022)
08/17/2022	<u>243</u>	MOTION to Seal <i>excerpts of Declaration of C. Douglass Locke</i> by Skyrise, Inc.. (Attachments: # <u>1</u> Declaration of Arman Zahoory, # <u>2</u> Text of Proposed Order)(Gross, Gabriel) (Entered: 08/17/2022)
08/17/2022	<u>244</u>	MEMORANDUM in Opposition re <u>210</u> MOTION to Compel <i>Discovery Necessary for Further Trade Secret Identification</i> filed by Misook Kim, Robert Alin Pilkington. (Attachments: # <u>1</u> Declaration, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C)(Truitt, Alexander) (Entered: 08/17/2022)
08/18/2022	<u>245</u>	TEXT ORDER: Defendant Skyrise's Motion to Seal <u>243</u> is granted. Sealed document appended to original filing <u>242</u> . SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 8/18/2022. (EG) (Entered: 08/18/2022)
08/18/2022	<u>246</u>	MEMORANDUM in Opposition re <u>226</u> Emergency MOTION Clarification of the Court's Order re 216 Text Order,, filed by Skyrise, Inc.. (Gross, Gabriel) (Entered: 08/18/2022)
08/23/2022	<u>247</u>	MOTION for Leave to File a <i>Supplemental Reply</i> by Skyrise, Inc.. (Attachments: # <u>1</u> Memorandum in Support of Motion for Leave to File a Supplemental Reply, # <u>2</u> Declaration of Julianne Osborne in Support of Motion for Leave to File a Supplemental Reply, # <u>3</u> Exhibit A – Skyrise's [Proposed] Supplemental Reply, # <u>4</u> Exhibit B – Email correspondence dated August 11 – 12, 2022, # <u>5</u> Exhibit C – [Proposed] Declaration of Jeri Rouse Looney in Support of Skyrise's Reply in Support of Motion to Dismiss, or Alternatively, to Transfer Venue, # <u>6</u> Exhibit 1 – Email correspondence dated August 11 – 12, 2022, # <u>7</u> Exhibit 2 – Draft of the Parties' March 11 Stipulation (ECF 25) dated March 10, 2022, reflecting edits by counsel for Moog, # <u>8</u> Exhibit 3 – Draft of the Parties' March 11 Stipulation (ECF 25) dated March 10, 2022, reflecting edits by counsel for Skyrise, # <u>9</u> Text of Proposed Order)(Gross, Gabriel) (Entered: 08/23/2022)
08/24/2022	<u>248</u>	MOTION to Adjourn 8/25/2022 hearing on motions to dismiss by Moog Inc..(Dutta, Reetuparna) (Entered: 08/24/2022)

08/24/2022	<u>249</u>	REPLY to Response to Motion re <u>210</u> MOTION to Compel <i>Discovery Necessary for Further Trade Secret Identification</i> filed by Moog Inc.. (Fluskey, Robert) (Entered: 08/24/2022)
08/24/2022	<u>250</u>	REPLY to Response to Motion re <u>214</u> MOTION to Stay filed by Misook Kim, Robert Alin Pilkington. (Green, Anthony) (Entered: 08/24/2022)
08/25/2022	<u>251</u>	Minute Entry for proceedings held before Hon. Jeremiah J. McCarthy: Oral Argument held on 8/25/2022. Counsel for the parties appear by video. The court hears argument from the parties regarding the motion to transfer venue as to the preliminary injunction hearing, and the motion to claw back individual devices. The court issues decisions on those issues on the record, with written decision(s) to follow. Responsive briefing schedule to Skyrise's deemed motion to stay discussed and set. That and other issues to be address at previously scheduled September 12 argument. APPEARANCES (by video): Rena Andoh, Kazim Naqvi, Lai Yip, Travis Anderson, Pauline Muto, Tyler Baker, Robert Fluskey, Melissa Subjeck, Reena Dutta for plaintiff; Douglas Lumish, Gabriel Gross, Ryan Banks, Arman Zahoor, Julianne Osborne, Jeri Looney, Terrance Flynn, Cassandra Baloga, Kelley Storey, for defendant Skyrise; Alexander Truitt, Anthony Green, Annabel Mirales, for defendants Pilkington and Kim (Court Reporter Zoom for Government) (EG) (Entered: 08/25/2022)
08/25/2022	<u>252</u>	TEXT ORDER: In accordance with today's oral argument, Skyrise's response <u>241</u> to the individual defendants motion to stay <u>214</u> is converted to a motion to stay. Moog's response to that motion <u>241</u> shall be filed by September 2, 2022; Skyrise's reply, if any, shall be filed by September 7, 2022; and oral argument of the motion is scheduled for September 12, 2022 at 2:00 p.m. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 8/25/22. (MDY) (Entered: 08/25/2022)
08/29/2022	<u>253</u>	Report, Recommendation and Order re motions [228, 229, 247 and 248]. (JD) Unsealed on 9/8/2022 (EG). (Entered: 08/29/2022)
08/30/2022	<u>254</u>	TEXT ORDER: By September 7, 2022, the parties shall confer and submit a proposed redacted version of the sealed August 29, 2022 Report, Recommendation and Order ("RR&O") <u>253</u> to be publicly filed, failing which I will assume that no redactions are required and unseal the RR&O in its entirety. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 8/30/22. (MDY) (Entered: 08/30/2022)
09/02/2022	<u>255</u>	MEMORANDUM IN OPPOSITION re <u>241</u> Response in Support of Motion by Moog Inc.. (Andoh, Rena) (Entered: 09/02/2022)
09/02/2022	<u>256</u>	TEXT ORDER: Before the court is Moog's Emergency Motion <u>226</u> , opposed by Skyrise <u>246</u> , which seeks to clarify that my temporary stay of "pending discovery deadlines" <u>216</u> does not apply to production of documents under §IV.1 of the Inspection Protocol [96–2] (approved by <u>109</u>). Having carefully considered the parties' arguments, I agree with Moog that I did not intend to stay the timelines for production of inspection materials outlined in §IV of the Inspection Protocol. I do not consider those timelines to be "discovery deadlines", as Moog is not requesting access to new information, but instead is requesting copies of materials which it has already seen. Accordingly, Moog's motion <u>226</u> is granted. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 9/2/22. (MDY) (Entered: 09/02/2022)
09/06/2022	<u>257</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings (ORAL ARGUMENT) held on 08/25/2022, before MAGISTRATE JUDGE JEREMIAH J. MCCARTHY. Transcriber Karen J. Clark, RPR, KarenClark1013@AOL.com. Transcript may be viewed at the court public terminal or purchased through the Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 9/27/2022. Redacted Transcript Deadline set for 10/7/2022. Release of Transcript Restriction set for

		12/5/2022. (KJC) (Entered: 09/06/2022)
09/07/2022	<u>258</u>	REPLY/RESPONSE to re <u>241</u> Response in Support of Motion <i>to Stay</i> filed by Skyrise, Inc.. (Gross, Gabriel) (Entered: 09/07/2022)
09/08/2022	<u>259</u>	DECISION and ORDER addressing defendants' motions for a stay [214, 241]. Signed by Hon. Jeremiah J. McCarthy on 9/8/22. (MDY) (Entered: 09/08/2022)
09/09/2022	<u>260</u>	Interim MOTION to Stay re <u>253</u> Sealed Document <i>Magistrate Judge McCarthy's August 29, 2022 Report, Recommendation and Order</i> by Misook Kim, Robert Alin Pilkington. (Attachments: # <u>1</u> Memorandum in Support of Motion for Interim Stay 8.29.22 Order Pending Objections, # <u>2</u> Declaration of Anthony D. Green in Support of Motion for Interim Stay 8.29.22 Order Pending Objections, # <u>3</u> Text of Proposed Order)(Mireles, Maria) (Entered: 09/09/2022)
09/09/2022	<u>261</u>	TEXT ORDER re: defendants Pilkington's and Kim's <u>260</u> motion for a stay of the <u>253</u> Report, Recommendation & Order ("RR&O"). Like Judge McCarthy, this Court "[r]ecogniz[es] the importance of the privilege issues addressed [in his RR&O]." Docket Item 253 at 11. Therefore, the portion of Judge McCarthy's RR&O set to go into effect at 5:00 pm today is temporarily stayed pending resolution of Pilkington's and Kim's motion to stay. Moog's responses to the motion to stay and to Pilkington's and Kim's forthcoming objections to the RR&O are due by 9/19/2022. Pilkington's and Kim's replies in further support of their motion to stay and their objections are due by 9/23/2022. Oral argument will be scheduled at a later time for the week of 9/26/2022. The stay shall remain in effect through oral argument unless otherwise ordered by this Court. SO ORDERED. Issued by Hon. Lawrence J. Vilardo on 9/9/2022. (WMH) (Entered: 09/09/2022)
09/09/2022	<u>262</u>	TEXT ORDER: In light of Judge Vilardo's Text Order 261 , the conference/oral argument scheduled before me for September 12, 2022 at 2:00 p.m. is rescheduled for October 5, 2022 at 4:00 p.m. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 9/9/22. (MDY) (Entered: 09/09/2022)
09/12/2022	<u>263</u>	REPLY/RESPONSE to re <u>253</u> Sealed Document // <i>Defendant Skyrise's Objections to Report and Recommendation</i> filed by Skyrise, Inc.. (Attachments: # <u>1</u> Declaration of Julianne Osborne in Support of Skyrise's Objections to Report and Recommendation, # <u>2</u> Exhibit 1 – Correspondence from Magistrate Judge McCarthy dated August 10, 2022, # <u>3</u> Exhibit 2 – Excerpts of Transcript of proceedings from August 25, 2022, # <u>4</u> Certification Pursuant to Local Rule 72(c))(Gross, Gabriel) (Entered: 09/12/2022)
09/12/2022	<u>264</u>	REPLY/RESPONSE to re <u>253</u> Sealed Document <i>Individual Defendants' Objections to Report, Recommendation and Order</i> filed by Misook Kim, Robert Alin Pilkington. (Attachments: # <u>1</u> Declaration of Anthony D. Green, # <u>2</u> Exhibit A – Transcript of 8/25/22 Proceedings, # <u>3</u> Exhibit B – Email in which Plaintiff Raised Argument against Motion to Dismiss for the First Time, # <u>4</u> Certification Pursuant to Local Rule 72(c))(Green, Anthony) (Entered: 09/12/2022)
09/13/2022	<u>265</u>	TEXT ORDER re: <u>263</u> , <u>264</u> Objections to the <u>253</u> Report, Recommendation & Order. Moog's responses to Skyrise's objection, and to the portions of Pilkington's and Kim's objection not related to the <u>260</u> motion to stay, <i>see</i> Docket Item <u>264</u> at ECF page no. 19–24, are due by 9/27/2022. The defendants' replies are due by 10/4/2022. SO ORDERED. Issued by Hon. Lawrence J. Vilardo on 9/13/2022. (WMH) (Entered: 09/13/2022)
09/19/2022	<u>266</u>	REPLY/RESPONSE to re <u>264</u> Reply/Response, <i>In Opposition to the Individual Defendants' Objections to August 29, 2022 Report, Recommendation and Order (Ecf 264) Regarding Fifth Amendment Issues</i> filed by Moog Inc.. (Attachments: # <u>1</u> Declaration of Rena Andoh, # <u>2</u> Exhibit A)(Fluskey, Robert) (Entered: 09/19/2022)
09/23/2022	<u>267</u>	TEXT ORDER re <u>260</u> Interim MOTION to Stay re <u>253</u> Report, Recommendation and Order [Sealed Document] by <i>Magistrate Judge McCarthy's August 29, 2022 Report, Recommendation</i>

		<i>and Order</i> filed by Robert Alin Pilkington, Misook Kim. Oral Argument set for 9/27/2022 at 1:30 PM in U.S. Courthouse, 2 Niagara Square, Niagara Courtroom, 8th Floor West, Buffalo, NY 14202-3350 before Hon. Lawrence J. Vilardo. PLEASE NOTE: The proceeding described herein will be held remotely. Dial-in instructions will be emailed directly to the parties. Public access to the proceeding can be obtained by viewing Judge Vilardo's calendar on the public website at www.nywd.uscourts.gov , or by contacting Judge Vilardo's chambers at (716) 551-1621. SO ORDERED. Issued by Hon. Lawrence J. Vilardo on 9/23/2022. (CMD) (Entered: 09/23/2022)
09/23/2022	<u>268</u>	REPLY/RESPONSE to re <u>264</u> Reply/Response, <u>266</u> Reply/Response, <i>in further support of the Individual Defendants' Motion for Interim Stay and Objections to Report, Recommendation and Order</i> filed by Misook Kim, Robert Alin Pilkington. (Green, Anthony) (Entered: 09/23/2022)
09/27/2022	<u>269</u>	Minute Entry for proceedings held before Hon. Lawrence J. Vilardo: Oral Argument re <u>260</u> Interim MOTION to Stay re <u>253</u> Report, Recommendation and Order [Sealed Document] by Magistrate Judge McCarthy's August 29, 2022 Report, Recommendation and Order filed by Robert Alin Pilkington, Misook Kim held on 9/27/2022. Court ordered that this proceeding is not to be recorded, or taped in any way. If someone does record it, they will be found in contempt of court. Following oral argument, the Court reserved decision. Appearances by ZOOM Video Conference. For plaintiff: Robert Fluskey, Jr., Kazim Naqvi, Lai Yip, Pauline Muto, and Rena Andoh. For defendant Skyrise: Douglas Lumish, Arman Zahoor, Gabriel Gross, Terrance Flynn, and Jeri Looney. For defendants Pilkington and Kim: Anthony Green, Alexander Truitt, and Maria Mireles. (Court Reporter Ann M. Sawyer.) (CMD) (Entered: 09/27/2022)
09/27/2022	<u>270</u>	MEMORANDUM IN OPPOSITION re <u>264</u> Reply/Response, <i>Moog's Memorandum of Law in Opposition to the Individual Defendants' Objections to the August 29, 2022 Report, Recommendation and Order</i> by Moog Inc.. (Fluskey, Robert) (Entered: 09/27/2022)
09/27/2022	<u>271</u>	MEMORANDUM IN OPPOSITION re <u>263</u> Reply/Response, <i>Moog's Memorandum of Law in Opposition to Skyrise's Objections to the August 29, 2022 Report, Recommendation and Order</i> by Moog Inc.. (Fluskey, Robert) (Entered: 09/27/2022)
10/04/2022	<u>272</u>	DECISION AND ORDER: Judge McCarthy's decision is AFFIRMED. The temporary stay of Judge McCarthy's order, Docket Item 261, is lifted, and Pilkington's and Kim's motion for a stay of Judge McCarthy's order, Docket Item 260, is denied as moot. The case is referred back to Judge McCarthy for further proceedings consistent with the referral order of August 9, 2022, Docket Item 221. SO ORDERED. Issued by Hon. Lawrence J. Vilardo on 10/4/2022. (WMH) (Entered: 10/04/2022)
10/04/2022	<u>273</u>	TEXT ORDER: The conference scheduled for October 5, 2022 at 4:00 p.m. EDT is adjourned, and will be rescheduled. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 10/4/2022. (EG) (Entered: 10/04/2022)
10/04/2022	<u>274</u>	REPLY to Response to Motion re <u>47</u> MOTION to Dismiss MOTION to Change Venue <i>Re Objections to RRO</i> filed by Misook Kim, Robert Alin Pilkington. (Truitt, Alexander) (Entered: 10/04/2022)
10/04/2022	<u>275</u>	REPLY/RESPONSE to re <u>271</u> Memorandum in Opposition, <u>263</u> Reply/Response, / <i>Defendant Skyrise's Reply in Support of Objections to Report and Recommendation</i> filed by Skyrise, Inc.. (Gross, Gabriel) (Entered: 10/04/2022)
10/06/2022	<u>276</u>	TEXT ORDER: The October 5, 2022 oral argument of motions [210 and 213] is rescheduled to October 20, 2022 at 3:00 p.m. E.D.T. Zoom instructions will be circulated in advance. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 10/6/22. (MDY) (Entered: 10/06/2022)
10/19/2022	<u>277</u>	Letter filed by Moog Inc. as to Does Nos. 1-50, Misook Kim, Robert Alin Pilkington, Skyrise, Inc. <i>re issues for October 20, 2022 conference</i> . (Andoh, Rena) (Entered: 10/19/2022)

10/20/2022	<u>278</u>	<p>Minute Entry for proceedings held before Hon. Jeremiah J. McCarthy: Oral Argument on motions [210, 213] held on 10/20/2022. Counsel for the parties appear by video. The court acknowledges letter narrowing issues.</p> <p>The parties argue their positions on those motions. Defendant Skyrise references visual aids, which will be filed with a narrative for review. The court suggests certain compromises with respect to those issues and urges the parties to continue to confer and work toward resolution.</p> <p>Moog indicates that it will seek to file additional motions relative to discovery on the issue of identifying its trade secrets. Skyrise objects to further unreciprocated motions. The court allows any party to file further discovery motions relative to the issue of trade secret identification; however, it will not set a briefing schedule on those motions.</p> <p>A further conference/argument on the issues discussed in today's proceeding set for November 10, 2022 at 3:00 p.m. The parties to submit update letters by November 7, 2022.</p> <p>APPEARANCES (by video): Rena Andoh, Kazim Naqvi, Lai Yip, Pauline Muto, Robert Fluskey, for plaintiff; Gabriel Gross, Ryan Banks, Arman Zahoory, Terrance Flynn, for defendant Skyrise; Alexander Truitt, Anthony Green, for defendants Pilkington and Kim (Court Reporter Zoom for Government) (EG) (Entered: 10/20/2022)</p>
10/21/2022	<u>279</u>	<p>TEXT ORDER: In accordance with yesterday's conference, a further Zoom conference is scheduled for November 10, 2022 at 3:00 p.m. In the interim, the parties shall use the discussions at yesterday's conference to attempt to narrow the issues remaining in dispute. By November 7, 2022 the parties shall submit letters, either jointly or individually, identifying the areas of agreement reached, and any remaining issues will be addressed at the November 10, 2022 conference. By October 25, 2022, Skyrise shall file the slides displayed at yesterday's proceeding with a brief accompanying narrative, and Moog may file a response by November 7, 2022. All parties may file motions related to the discovery necessary for Moog to identify its trade secrets, and a briefing schedule for any such motions will be set at the November 10, 2022 conference. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 10/21/22. (MDY) (Entered: 10/21/2022)</p>
10/24/2022	<u>280</u>	<p>Letter filed by Skyrise, Inc. as to Does Nos. 1–50, Misook Kim, Robert Alin Pilkington, Skyrise, Inc. // <i>Hearing Demonstrative with Brief Accompanying Narrative</i>. (Attachments: # <u>1</u> Exhibit – Skyrise's Demonstratives Used at October 20, 2022 Hearing)(Gross, Gabriel) (Entered: 10/24/2022)</p>
10/28/2022	<u>281</u>	<p>NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings (ORAL ARGUMENT OF MOTIONS) held on 10/20/2022 via Zoom for Government Platform, before MAGISTRATE JUDGE JEREMIAH J. MCCARTHY. Transcriber Karen J. Clark, RPR, KarenClark1013@AOL.com. Transcript may be viewed at the court public terminal or purchased through the Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 11/18/2022. Redacted Transcript Deadline set for 11/28/2022. Release of Transcript Restriction set for 1/26/2023. (KJC) (Entered: 10/28/2022)</p>
11/07/2022	<u>282</u>	<p>Letter filed by Moog Inc. as to Does Nos. 1–50, Misook Kim, Robert Alin Pilkington, Skyrise, Inc. <i>status update pursuant to Court's October 21, 2022 minute order (ECF 279)</i>. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D) (Fluskey, Robert) (Sealed attachment(s) added on 11/8/2022: # <u>5</u> Exhibit C [sealed]) (EG). (Entered: 11/07/2022)</p>
11/07/2022	<u>283</u>	<p>MOTION Clarification of the Court's Order Regarding Third Party Discovery re <u>205</u> Order on Motion to Compel by Moog Inc.. (Attachments: # <u>1</u> Declaration of Kazim A. Naqvi, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E, # <u>7</u> Exhibit F, # <u>8</u> Exhibit G, # <u>9</u> Exhibit H, # <u>10</u> Exhibit I, # <u>11</u> Exhibit J, # <u>12</u> Exhibit K, # <u>13</u> Exhibit L, # <u>14</u> Exhibit M, # <u>15</u></p>

		Exhibit N)(Fluskey, Robert) (Sealed attachments added on 11/8/2022: # <u>16</u> Unredacted Memorandum in Support, # <u>17</u> Unredacted Declaration of K. Naqvi, # <u>18</u> Exhibit B [SEALED], # <u>19</u> Exhibit H [SEALED], # <u>20</u> Exhibit I [SEALED], # <u>21</u> Exhibit J [SEALED]) (EG). (Entered: 11/07/2022)
11/07/2022	<u>284</u>	Letter filed by Skyrise, Inc. as to Does Nos. 1–50, Misook Kim, Robert Alin Pilkington, Skyrise, Inc. // <i>November 7, 2022 Letter Brief from Counsel for Skyrise to Judge McCarthy</i> . (Attachments: # <u>1</u> Declaration of Arman Zahoory in Support of Skyrise's November 7, 2022 Letter to Judge McCarthy, # <u>2</u> Exhibit A – Filed Under Seal, # <u>3</u> Exhibit B – October 31, 2022 A. Zahoory Letter, # <u>4</u> Exhibit C – November 3, 2022 K. Naqvi Email, # <u>5</u> Text of Proposed Order re: Electronic Devices, # <u>6</u> Text of Proposed Order re: Source Code Review)(Gross, Gabriel) (Sealed attachment added on 11/8/2022: # <u>7</u> Exhibit A) (EG). (Entered: 11/07/2022)
11/07/2022	<u>285</u>	MOTION to Seal <i>Exhibit A to Skyrise's November 7, 2022 Letter to Judge McCarthy</i> by Skyrise, Inc.. (Attachments: # <u>1</u> Declaration of Arman Zahoory in Support of Motion to Seal, # <u>2</u> Text of Proposed Order)(Gross, Gabriel) (Entered: 11/07/2022)
11/07/2022	<u>286</u>	MOTION to Seal <i>Exhibits B, H, I, and J to Declaration of Kazim A. Naqvi in Support of Moog's Motion for Clarification of the Court's Orders Regarding Third Party Discovery [ECF 283] and Exhibit C to Letter Brief status update pursuant to Court's October 21, 2022 minute order [ECF 282]</i> by Moog Inc..(Fluskey, Robert) (Sealed attachment added on 11/9/2022: # <u>1</u> Declaration of Robert Fluskey in Support of Motion to Seal) (EG). (Entered: 11/07/2022)
11/08/2022	<u>287</u>	TEXT ORDER: Defendant Skyrise's Motion to Seal <u>285</u> is granted. Sealed document appended to original filing <u>284</u> . SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 11/8/2022. (EG) (Entered: 11/08/2022)
11/08/2022	<u>288</u>	TEXT ORDER: Plaintiff Moog's Motion to Seal <u>286</u> is granted. Sealed documents appended to original filings [282, 283]. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 11/8/2022. (EG) (Entered: 11/08/2022)
11/10/2022	<u>289</u>	TEXT ORDER. Oral Argument re: <u>263</u> Defendant Skyrise's Objections, and <u>264</u> Individual Defendants' Objections to <u>253</u> Report and Recommendation scheduled for 11/29/2022 at 2:30 PM in U.S. Courthouse, 2 Niagara Square, Niagara Courtroom, 8th Floor West, Buffalo, NY 14202–3350 before Hon. Lawrence J. Vilardo. PLEASE NOTE: The proceeding described herein will be held remotely. Dial–in instructions will be emailed directly to the parties. Public access to the proceeding can be obtained by viewing Judge Vilardo's calendar on the public website at www.nywd.uscourts.gov , or by contacting Judge Vilardo's chambers at (716) 551–1621. SO ORDERED. Issued by Hon. Lawrence J. Vilardo on 11/10/2022. (CMD) (Entered: 11/10/2022)
11/10/2022	<u>290</u>	Minute Entry for proceedings held before Hon. Jeremiah J. McCarthy: Discovery Hearing held on 11/10/2022. Counsel for the parties appear by video. The court and counsel review the letter submissions and motion for clarification [281, 282, 283] and discuss unresolved issues. The court issues oral rulings on the record. Motion for clarification addressed and no additional briefing required. The parties to refer to transcript for oral rulings. Text order with respect to clarification motion to issue. APPEARANCES (by video): Rena Andoh, Kazim Naqvi, Travis Anderson for plaintiff; Gabriel Gross, Joseph Lee, Arman Zahoory, Terrance Flynn, for defendant Skyrise; Alexander Truitt, Anthony Green, Annabel Mireles for defendants Pilkington and Kim (Court Reporter Zoom for Government) (EG) (Entered: 11/10/2022)
11/11/2022	<u>291</u>	TEXT ORDER: Moog "requests that the Court issue an order clarifying that the third party subpoenas served by Moog as addressed in the Motion are appropriate under the Court's sequencing of discovery, and are relevant to Moog's forthcoming trade secret identification obligations". Motion for Clarification <u>283</u> at 21 (CM/ECF pagination). As I stated at the

		conclusion of the November 10, 2022 conference 290 , the Motion <u>283</u> is granted as follows: Moog may serve third party subpoenas only to the extent necessary to identify the trade secrets which it claims to have been misappropriated, without prejudice to the ability of the recipients of those subpoenas to otherwise contest their validity and enforceability. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 11/11/22. (MDY) (Entered: 11/11/2022)
11/11/2022	<u>292</u>	TEXT ORDER: For the reasons and on the terms set forth on the record at yesterday's Zoom conference, Moog's motion to compel discovery necessary for trade secret identification <u>210</u> and Skyrise's motion to enter a source code protocol <u>213</u> are resolved. A further Zoom conference is scheduled for December 8, 2022 at 2:00 p.m. E.S.T. Zoom instructions will be circulated in advance. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 11/11/22. (MDY) (Entered: 11/11/2022)
11/18/2022	<u>293</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings (ORAL ARGUMENT OF MOTIONS) held on 11/10/2022, before MAGISTRATE JUDGE JEREMIAH J. MCCARTHY. Transcriber Karen J. Clark, RPR, KarenClark1013@AOL.com. Transcript may be viewed at the court public terminal or purchased through the Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 12/9/2022. Redacted Transcript Deadline set for 12/19/2022. Release of Transcript Restriction set for 2/16/2023. (KJC) (Entered: 11/18/2022)
11/29/2022	<u>294</u>	Minute Entry for proceedings held before Hon. Lawrence J. Vilardo: Oral Argument re: <u>263</u> Defendant Skyrise's Objections, and <u>264</u> Individual Defendants' Objections to <u>253</u> Report and Recommendation held on 11/29/2022. Court ordered that this proceeding is not to be recorded, or taped in any way. If someone does record it, they will be found in contempt of court. Court reserved decision. Appearances by ZOOM Video Conference. For plaintiff: Reetuparna Dutta, Robert Fluskey, Jr., Kazim Naqvi, and Rena Andoh. For defendant Skyrise: Gabriel Gross, Douglas Lumish, Arman Zahoory, Joseph Lee, Julianne Osborne, and Terrance Flynn. Also present, Stephen Koo, Chief Financial Officer of Skyrise. For defendants Pilkington and Kim: Anthony Green, and Alexander Truitt. (Court Reporter Ann M. Sawyer.) (CMD) (Entered: 11/30/2022)
12/02/2022	<u>295</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of ORAL ARGUMENT held on 11/29/22, before Judge Lawrence J. Vilardo. Court Reporter/Transcriber Ann M. Sawyer, Ann_Sawyer@nywd.uscourts.gov. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 12/27/2022. Redacted Transcript Deadline set for 1/3/2023. Release of Transcript Restriction set for 3/2/2023. (AS) (Entered: 12/02/2022)
12/05/2022	<u>296</u>	TEXT ORDER: The December 8, 2022 conference 292 is adjourned pending Judge Vilardo's resolution of the objections to that portion of my August 29, 2022 Report, Recommendation and Order <u>253</u> addressing defendants' motions to dismiss for lack of personal jurisdiction or to transfer venue. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 12/5/22. (MDY) (Entered: 12/05/2022)
12/15/2022	<u>297</u>	DECISION AND ORDER: The defendants' motions to transfer, Docket Items 47 and 48, are GRANTED. The defendants' motions to dismiss for lack of personal jurisdiction and improper venue are DENIED without prejudice. The Clerk of the Court shall transfer this case to the United States District Court for the Central District of California and close the case. SO ORDERED. Issued by Hon. Lawrence J. Vilardo on 12/15/2022. (WMH) Clerk to Follow up (Entered: 12/15/2022)